

105TH CONGRESS  
1ST SESSION

# S. 15

To control youth violence, crime, and drug abuse, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. DASCHLE (for himself, Mr. BIDEN, Mr. LEAHY, Mr. KOHL, Mr. BREAUX, Mr. FORD, Ms. MIKULSKI, Mr. DODD, Mr. DURBIN, Mr. KERRY, Mr. LEVIN, Ms. LANDRIEU, Mr. TORRICELLI, Ms. MOSELEY-BRAUN, Mr. GLENN, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To control youth violence, crime, and drug abuse, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Youth Violence, Crime, and Drug Abuse Control Act of  
6       1997”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

TITLE I—CRIME CONTROL

Subtitle A—More Police Officers on the Beat

- Sec. 101. More police officers on the beat.
- Sec. 102. Grants for equipment, technology, and support systems.
- Sec. 103. National community police telecommunications.
- Sec. 104. Technical amendment.

Subtitle B—Violent Offender Incarceration and Truth-in-Sentencing Grants

- Sec. 121. Formula allocations.
- Sec. 122. Extension of violent offender incarceration and truth-in-sentencing grants.

Subtitle C—Domestic Violence

- Sec. 131. Extension of Violence Against Women Act.
- Sec. 132. Rural domestic violence and child abuse enforcement assistance.

Subtitle D—Assistance to Local Law Enforcement

- Sec. 141. Extension of law enforcement family support funding.
- Sec. 142. Extension of rural drug enforcement and training funding.
- Sec. 143. Extension of DNA identification grants funding.
- Sec. 144. Extension of Byrne grant funding.
- Sec. 145. Extension of technical automation grant funding.
- Sec. 146. Extension of grants for State court prosecutors.

TITLE II—YOUTH VIOLENCE CONTROL

Subtitle A—Federal Juvenile Prosecutions

- Sec. 201. Increased detention, mandatory restitution, and additional sentencing options for youth offenders.
- Sec. 202. Access to records.
- Sec. 203. Reinstating dismissed cases.

Subtitle B—Assistance to States for Prosecuting and Punishing Youth Offenders

- Sec. 214. Juvenile and violent offender incarceration grants.
- Sec. 215. Certain punishment and graduated sanctions for youth offenders.

Subtitle C—Juvenile Gun Courts

- Sec. 221. Definitions.
- Sec. 222. Grant program.
- Sec. 223. Applications.
- Sec. 224. Grant awards.
- Sec. 225. Use of grant amounts.
- Sec. 226. Grant limitations.
- Sec. 227. Federal share.
- Sec. 228. Report and evaluation.
- Sec. 229. Authorization of appropriations.

Subtitle D—Gang Violence Reduction

PART 1—ENHANCED PENALTIES FOR GANG-RELATED ACTIVITIES

- Sec. 241. Gang franchising.
- Sec. 242. Gang franchising as RICO predicate.
- Sec. 243. Increase in offense level for participation in crime as gang member.
- Sec. 244. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
- Sec. 245. Possession of firearms in relation to counts of violence or drug trafficking crimes.
- Sec. 246. Increased penalty for transferring a firearm to a minor for use in a crime.
- Sec. 247. Elimination of statute of limitations for murder.
- Sec. 248. Extension of statute of limitations for violent and drug trafficking crimes.

## PART 2—GANG PARAPHERNALIA

- Sec. 251. Enhancing law enforcement access to clone numeric pagers.
- Sec. 252. Prohibitions relating to body armor.
- Sec. 253. Prohibitions relating to laser sighting devices.

### Subtitle E—Rights of Victims in State Juvenile Courts

- Sec. 261. State guidelines.

## TITLE III—PREVENTION AND TREATMENT OF YOUTH DRUG ABUSE AND ADDICTION

### Subtitle A—Protecting Youth From Dangerous Drugs

- Sec. 301. Rescheduling of “club” drugs.

### Subtitle B—Development of Medicines for the Treatment of Drug Addiction

## PART 1—PHARMACOTHERAPY RESEARCH

- Sec. 321. Reauthorization for medication development program.

## PART 2—PATENT PROTECTIONS FOR PHARMACOTHERAPIES

- Sec. 331. Recommendation for investigation of drugs.
- Sec. 332. Designation of drugs.
- Sec. 333. Protection for drugs.
- Sec. 334. Open protocols for investigations of drugs.

## PART 3—ENCOURAGING PRIVATE SECTOR DEVELOPMENT OF PHARMACOTHERAPIES

- Sec. 341. Development, manufacture, and procurement of drugs for the treatment of addiction to illegal drugs.

### Subtitle C—Prevention and Treatment Programs

## PART 1—COMPREHENSIVE DRUG EDUCATION

- Sec. 351. Extension of safe and drug-free schools and communities program.

## PART 2—DRUG COURTS

- Sec. 361. Reauthorization of drug courts program.
- Sec. 362. Juvenile drug courts.

## PART 3—DRUG TREATMENT

Sec. 371. Drug treatment for juveniles.

## Subtitle D—National Drug Control Policy

Sec. 381. Reauthorization of Office of National Drug Control Policy.

Sec. 382. Study on effects of California and Arizona drug initiatives.

## Subtitle E—Penalty Enhancements

Sec. 391. Increased penalties for using Federal property to grow or manufacture controlled substances.

Sec. 392. Technical correction to ensure compliance of Federal sentencing guidelines with Federal law.

## TITLE IV—PROTECTING YOUTH FROM VIOLENT CRIME

## Subtitle A—Grants for Youth Organizations

Sec. 401. Grant program.

Sec. 402. Grants to national organizations.

Sec. 403. Grants to States.

Sec. 404. Allocation; grant limitation.

Sec. 405. Report and evaluation.

Sec. 406. Authorization of appropriations.

## Subtitle B—“Say No to Drugs” Community Centers Act of 1997

Sec. 421. Short title; definitions.

Sec. 422. Grant requirements.

Sec. 423. Authorization of appropriations.

## Subtitle C—Missing Children

Sec. 431. Amendments to the Missing Children’s Assistance Act.

## TITLE V—IMPROVING YOUTH CRIME AND DRUG PREVENTION

## Subtitle A—Comprehensive Study of Federal Prevention Efforts

Sec. 501. Study by national academy of science.

## Subtitle B—Evaluation Mandate for Authorized Programs

Sec. 522. Evaluation of crime prevention programs.

Sec. 523. Evaluation and research criteria.

Sec. 524. Compliance with evaluation mandate.

Sec. 525. Reservation of amounts for evaluation and research.

## Subtitle C—Elimination of Ineffective Programs

Sec. 531. Sense of Senate regarding funding for programs determined to be ineffective.

## TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

Sec. 601. Extension of violent crime reduction trust fund.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “Attorney General” means the At-  
4 torney General of the United States;

5 (2) the term “Indian tribe” means a tribe,  
6 band, pueblo, nation, or other organized group or  
7 community of Indians, including an Alaska Native  
8 village (as defined in or established under the Alaska  
9 Native Claims Settlement Act (43 U.S.C. 1601 et  
10 seq.)), that is recognized as eligible for the special  
11 programs and services provided by the United States  
12 to Indians because of their status as Indians;

13 (3) the term “juvenile” has the meaning given  
14 that term under applicable State law;

15 (4) the term “State” means any State of the  
16 United States, the District of Columbia, the Com-  
17 monwealth of Puerto Rico, the Virgin Islands, Amer-  
18 ican Samoa, Guam, and the Northern Mariana Is-  
19 lands;

20 (5) the term “unit of local government” means  
21 any city, county, township, borough, parish, or other  
22 entity exercising governmental power under State  
23 law;

24 (6) the term “Violent Crime Reduction Trust  
25 Fund” means the fund established under title XXXI

1 of the Violent Crime Control and Law Enforcement  
 2 Act of 1994 (42 U.S.C. 14211 et seq.); and

3 (7) the term “youth” means a person who is  
 4 not younger than 5 and not older than 18 years of  
 5 age.

6 **TITLE I—CRIME CONTROL**  
 7 **Subtitle A—More Police Officers on**  
 8 **the Beat**

9 **SEC. 101. MORE POLICE OFFICERS ON THE BEAT.**

10 Section 1001(a)(11)(A) of title I of the Omnibus  
 11 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 12 3793(a)(11)(A)) is amended—

13 (1) in clause (v), by striking “and” at the end;

14 (2) in clause (vi), by striking the period at the  
 15 end and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(vii) \$1,240,000,000 for fiscal year 2001; and

18 “(viii) \$1,240,000,000 for fiscal year 2002.”.

19 **SEC. 102. GRANTS FOR EQUIPMENT, TECHNOLOGY, AND**  
 20 **SUPPORT SYSTEMS.**

21 Section 1701(b)(2)(A) of title I of the Omnibus  
 22 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 23 3796dd) is amended to read as follows:

1           “(A) may not exceed 20 percent of the  
2           funds available for grants pursuant to this sub-  
3           section in any fiscal year.”.

4   **SEC. 103. NATIONAL COMMUNITY POLICE TELECOMMUNI-**  
5           **CATIONS.**

6           Part Q of title I of the Omnibus Crime Control and  
7   Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is  
8   amended by adding at the end the following:

9   **“SEC. 1710. NATIONAL POLICE TELECOMMUNICATIONS.**

10          “(a) FINDINGS.—Congress finds that—

11               “(1) police departments and sheriffs confirm  
12          that the 911 system is overloaded and that a large  
13          percentage of those calls are nonemergency calls;

14               “(2) many communities have seen increases in  
15          their 911 call volumes of between 40 percent and 50  
16          percent annually;

17               “(3) police officers are forced to spend too  
18          much time responding to nonemergency situations,  
19          which eliminates time for proactive community polic-  
20          ing; and

21               “(4) efforts to limit the use of 911 by using  
22          general telephone numbers and educating the public  
23          to reference a general number in the telephone book  
24          have been ineffective.

25          “(b) PURPOSE.—The purposes of this section are—

1           “(1) to encourage the Federal Communications  
2       Commission to reserve the 311 nonemergency num-  
3       ber on a national basis for use by public safety agen-  
4       cies in responding to nonemergency police telephone  
5       calls; and

6           “(2) to establish a Federal assistance program  
7       to assist States and localities in establishing 311  
8       nonemergency systems and to educate citizens in the  
9       use of 911 and 311.

10       “(c) AUTHORITY TO MAKE 311 NONEMERGENCY  
11   GRANTS.—The Attorney General, acting through the Di-  
12   rector of the Office of Community Oriented Policing Serv-  
13   ices, may make grants to States, units of local govern-  
14   ments, Indian tribal governments, other public and private  
15   entities, and multijurisdictional or regional consortia, to  
16   encourage the use of and to implement 311 nonemergency  
17   telecommunication systems for public safety.

18       “(d) GENERAL REGULATORY AUTHORITY.—The At-  
19   torney General may promulgate regulations and guidelines  
20   to carry out this section.

21       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
22   are authorized to be appropriated from the Violent Crime  
23   Reduction Trust Fund to carry out this section—

24           “(1) such sums as may be necessary for each  
25       of the fiscal years 1998 through 2000; and



1           “(2) \$10,000,000 in each of the fiscal years  
2           2001 and 2002.”.

3 **SEC. 104. TECHNICAL AMENDMENT.**

4           Section 1001(a)(11)(B) of title I of the Omnibus  
5 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
6 3793) is amended by striking “150,000” each place it ap-  
7 pears and inserting “100,000”.

8 **Subtitle B—Violent Offender Incar-**  
9 **ceration and Truth-in-Sentenc-**  
10 **ing Grants**

11 **SEC. 121. FORMULA ALLOCATIONS.**

12           Section 20106 of the Violent Crime Control and Law  
13 Enforcement Act of 1994 (42 U.S.C. 13706) is amend-  
14 ed—

15           (1) in subsection (a)(1), by striking subpara-  
16 graph (B) and inserting the following:

17           “(B)       FORMULA       ALLOCATION.—The  
18           amount remaining after application of subpara-  
19           graph (A) shall be allocated as follows:

20           “(i) 0.75 percent shall be allocated to  
21           each State that meets the requirements of  
22           section 20103(b), except that the United  
23           States Virgin Islands, American Samoa,  
24           Guam, and the Commonwealth of the  
25           Northern Mariana Islands, if eligible under

1 section 20103(b), shall each be allocated  
 2 0.05 percent.

3 “(ii) The amount remaining after ap-  
 4 plication of clause (i) shall be allocated to  
 5 each State that meets the requirements of  
 6 section 20103(b), in the ratio that the  
 7 number of part 1 violent crimes reported  
 8 by such State to the Federal Bureau of In-  
 9 vestigation for the 3 years preceding the  
 10 year in which the determination is made,  
 11 bears to the average annual number of  
 12 part 1 violent crimes reported by all States  
 13 that meet the requirements of section  
 14 20103(b) to the Federal Bureau of Inves-  
 15 tigation for the 3 years preceding the year  
 16 in which the determination is made.”; and

17 (2) by striking subsection (b) and inserting the  
 18 following:

19 “(b) ALLOCATION OF TRUTH-IN-SENTENCING  
 20 GRANTS UNDER SECTION 20104.—The amounts available  
 21 for grants under section 20104 shall be allocated as fol-  
 22 lows:

23 “(1) FORMULA ALLOCATION.—0.75 percent  
 24 shall be allocated to each State that meets the re-  
 25 quirements of section 20104, except that the United

1 States Virgin Islands, American Samoa, Guam, and  
 2 the Commonwealth of the Northern Mariana Is-  
 3 lands, if eligible under section 20104, shall each be  
 4 allocated 0.05 percent.

5 “(2) ADDITIONAL ALLOCATION.—The amount  
 6 remaining after application of paragraph (1) shall be  
 7 allocated to each State that meets the requirements  
 8 of section 20104, in the ratio that the number of  
 9 part 1 violent crimes reported by such State to the  
 10 Federal Bureau of Investigation for the 3 years pre-  
 11 ceding the year in which the determination is made,  
 12 bears to the average annual number of part 1 violent  
 13 crimes reported by all States that meet the require-  
 14 ments of section 20103(b) to the Federal Bureau of  
 15 Investigation for the 3 years preceding the year in  
 16 which the determination is made.”.

17 **SEC. 122. EXTENSION OF VIOLENT OFFENDER INCARCER-**  
 18 **ATION AND TRUTH-IN-SENTENCING GRANTS.**

19 (a) VIOLENT OFFENDER INCARCERATION GRANTS.—  
 20 Section 20108(a) of the Violent Crime Control and Law  
 21 Enforcement Act of 1994 (42 U.S.C. 13708(a)) is amend-  
 22 ed—

23 (1) in paragraph (1)—

24 (A) in subparagraph (D), by striking

25 “and” at the end;

1 (B) in subparagraph (E), by striking the  
 2 period at the end and inserting a semicolon;  
 3 and

4 (C) by adding at the end the following:

5 “(F) \$2,750,000,000 for fiscal year 2001;

6 and

7 “(G) \$2,750,000,000 for fiscal year  
 8 2002.”; and

9 (2) in paragraph (2)(A), by striking “fiscal  
 10 year,” and all that follows before the period and in-  
 11 serting the following: “fiscal year distribute 45 per-  
 12 cent for incarceration grants under section 20103,  
 13 45 percent for incentive grants under section 20104,  
 14 and 10 percent for violent juvenile offender incarcer-  
 15 ation grants under section 214 of the Youth Vio-  
 16 lence, Crime, and Drug Abuse Control Act of  
 17 1997.”.

18 (b) TRUTH IN SENTENCING GRANTS.—Section  
 19 20102(a) of the Violent Crime Control and Law Enforce-  
 20 ment Act of 1994 (42 U.S.C. 13702(a)) is amended—

21 (1) in paragraph (2), by striking “and” at the  
 22 end;

23 (2) in paragraph (3), by striking the period at  
 24 the end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(4) for hiring professional staff to supervise  
 2 violent offenders following release from custody and  
 3 officers of the court to speed the prosecution of vio-  
 4 lent offenders.”.

## 5 **Subtitle C—Domestic Violence**

### 6 **SEC. 131. EXTENSION OF VIOLENCE AGAINST WOMEN ACT.**

7 (a) GRANTS TO COMBAT VIOLENT CRIMES AGAINST  
 8 WOMEN.—Section 1001(a)(18) of title I of the Omnibus  
 9 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 10 3793(a)(18)) is amended—

11 (1) in subparagraph (E), by striking “and” at  
 12 the end;

13 (2) in subparagraph (F), by inserting “and” at  
 14 the end; and

15 (3) by adding at the end the following:

16 “(G) \$174,000,000 for fiscal year 2001; and

17 “(H) \$174,000,000 for fiscal year 2002.”.

18 (b) EDUCATION AND PREVENTION GRANTS TO RE-  
 19 DUCE SEXUAL ASSAULTS AGAINST WOMEN.—

20 (1) IN GENERAL.—Section 40151 of Public  
 21 Law 103–322 (108 Stat. 1920) is amended by strik-  
 22 ing “Health and Human Services” and inserting  
 23 “Health Service”.

24 (2) AMENDMENT.—Section 1910A(c) of the  
 25 Public Health Service Act is amended—

1 (A) in paragraph (4), by striking “and” at  
 2 the end; and

3 (B) by adding at the end the following:

4 “(6) \$45,000,000 for fiscal year 2001; and

5 “(7) \$45,000,000 for fiscal year 2002.”.

6 (c) GRANT FOR NATIONAL DOMESTIC VIOLENCE  
 7 HOTLINE.—Section 316(f) of the Family Violence Preven-  
 8 tion and Services Act (42 U.S.C. 10401) is amended—

9 (1) in subparagraph (E), by striking “and” at  
 10 the end;

11 (2) in subparagraph (F), by adding “and” at  
 12 the end; and

13 (3) by adding at the end the following:

14 “(G) \$500,000 for fiscal year 2001; and

15 “(H) \$500,000 for fiscal year 2002.”.

16 (d) GRANTS FOR BATTERED WOMEN’S SHELTERS.—  
 17 Section 310(a) of the Family Violence Prevention and  
 18 Services Act (42 U.S.C. 10409(a)) is amended—

19 (1) in paragraph (4), by striking “and” at the  
 20 end;

21 (2) in paragraph (5), by adding “and” at the  
 22 end; and

23 (3) by adding at the end the following:

24 “(6) \$72,500,000 for fiscal year 2001; and

25 “(7) \$72,500,000 for fiscal year 2002.”.

1 (e) VICTIMS OF CHILD ABUSE PROGRAMS.—Section  
 2 218(a) of the Victims of Child Abuse Act of 1990 (42  
 3 U.S.C. 13014(a)) is amended—

4 (1) in paragraph (4), by striking “and” at the  
 5 end;

6 (2) in paragraph (5), by adding “and” at the  
 7 end; and

8 (3) by adding at the end the following:

9 “(6) \$10,000,000 for fiscal year 2001; and

10 “(7) \$10,000,000 for fiscal year 2002.”.

11 **SEC. 132. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE**  
 12 **ENFORCEMENT ASSISTANCE.**

13 Section 1501(b) of title I of the Omnibus Crime Con-  
 14 trol and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b))  
 15 is amended by striking “through fiscal year 1997” and  
 16 inserting “or a State that has a population density of more  
 17 than 60 percent (as defined by the Bureau of the Census  
 18 of the Department of Commerce)”.

19 **Subtitle D—Assistance to Local**  
 20 **Law Enforcement**

21 **SEC. 141. EXTENSION OF LAW ENFORCEMENT FAMILY SUP-**  
 22 **PORT FUNDING.**

23 Section 1001(a)(21) of title I of the Omnibus Crime  
 24 Control and Safe Streets Act of 1968 (42 U.S.C.  
 25 3793(a)(21)) is amended—

- 1           (1) by redesignating paragraphs (1) through  
 2           (5) as subparagraphs (A) through (E), respectively;  
 3           (2) in subparagraph (D), as redesignated, by  
 4           striking “and” at the end;  
 5           (3) in subparagraph (E), as redesignated, by  
 6           striking the period at the end and inserting a semi-  
 7           colon; and  
 8           (4) by adding at the end the following:  
 9           “(F) \$7,500,000 for fiscal year 2001; and  
 10           “(G) \$7,500,000 for fiscal year 2002.”.

11 **SEC. 142. EXTENSION OF RURAL DRUG ENFORCEMENT AND**  
 12 **TRAINING FUNDING.**

13           (a) OMNIBUS CRIME CONTROL AND SAFE STREETS  
 14 ACT OF 1968.—Section 1001(a)(9) of title I of the Omni-  
 15 bus Crime Control and Safe Streets Act of 1968 (42  
 16 U.S.C. 3793(a)(9)) is amended—

- 17           (1) in subparagraph (D), by striking “and” at  
 18           the end;  
 19           (2) in subparagraph (E), by striking the period  
 20           at the end and inserting a semicolon; and  
 21           (3) by adding at the end the following:  
 22           “(F) \$66,000,000 for fiscal year 2001; and  
 23           “(G) \$66,000,000 for fiscal year 2002.”.

24           (b) VIOLENT CRIME CONTROL AND LAW ENFORCE-  
 25 MENT ACT OF 1994.—Section 18103(b) of the Violent



1 Crime Control and Law Enforcement Act of 1994 (42  
2 U.S.C. 14082(b)) is amended—

3 (1) in paragraph (4), by striking “and” at the  
4 end;

5 (2) in paragraph (5), by striking the period at  
6 the end and inserting a semicolon; and

7 (3) by adding at the end the following:

8 “(6) \$1,000,000 for fiscal year 2001; and

9 “(7) \$1,000,000 for fiscal year 2002.”.

10 **SEC. 143. EXTENSION OF DNA IDENTIFICATION GRANTS**  
11 **FUNDING.**

12 Section 1001(a) of title I of the Omnibus Crime Con-  
13 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a))  
14 is amended—

15 (1) by redesignating paragraphs (16) through  
16 (22) as paragraphs (12) through (17), respectively;  
17 and

18 (2) in paragraph (17), as redesignated—

19 (A) by redesignating paragraphs (1)  
20 through (5) as subparagraphs (A) through (E),  
21 respectively;

22 (B) in subparagraph (D), as redesignated,  
23 by striking “and” at the end;

1 (C) in subparagraph (E), as redesignated,  
 2 by striking the period at the end and inserting  
 3 a semicolon; and

4 (D) by adding at the end the following:

5 “(F) \$17,500,000 for fiscal year 2001; and

6 “(G) \$17,500,000 for fiscal year 2002.”.

7 **SEC. 144. EXTENSION OF BYRNE GRANT FUNDING.**

8 Section 210101 of the Violent Crime Control and  
 9 Law Enforcement Act of 1994 (Public Law 103–322; 108  
 10 Stat. 2061) is amended—

11 (1) by striking “through 2000” and inserting  
 12 “through 2002”;

13 (2) in paragraph (5), by striking “and” at the  
 14 end;

15 (3) in paragraph (6), by striking the period at  
 16 the end and inserting a semicolon; and

17 (4) by adding at the end the following:

18 “(7) \$200,000,000 for fiscal year 2001; and

19 “(8) \$200,000,000 for fiscal year 2002.”.

20 **SEC. 145. EXTENSION OF TECHNICAL AUTOMATION GRANT**  
 21 **FUNDING.**

22 Section 210501(c) of the Violent Crime Control and  
 23 Law Enforcement Act of 1994 (42 U.S.C. 14151(c)) is  
 24 amended—

25 (1) in paragraph (1)—

1 (A) in subparagraph (D), by striking  
2 “and” at the end;

3 (B) in subparagraph (E), by striking the  
4 period at the end and inserting a semicolon;  
5 and

6 (C) by adding at the end the following:

7 “(F) for fiscal year 2001, \$24,000,000;  
8 and

9 “(G) for fiscal year 2002, \$24,000,000;”;  
10 and

11 (2) in paragraph (2)—

12 (A) in subparagraph (D), by striking  
13 “and” at the end;

14 (B) in subparagraph (E), by striking the  
15 period at the end and inserting a semicolon;  
16 and

17 (C) by adding at the end the following:

18 “(F) for fiscal year 2001, \$6,000,000; and

19 “(G) for fiscal year 2002, \$6,000,000;  
20 and”.

21 **SEC. 146. EXTENSION OF GRANTS FOR STATE COURT PROS-**  
22 **ECUTORS.**

23 Section 21602 of the Violent Crime Control and Law  
24 Enforcement Act of 1994 (42 U.S.C. 14161) is amend-  
25 ed—

1 (1) in subsection (a)—

2 (A) by striking “other criminal justice par-  
3 ticipants” and inserting “other criminal justice  
4 participants, in both the adult and juvenile sys-  
5 tems,”;

6 (B) by striking “this Act” and all that fol-  
7 lows before the period at the end of the section  
8 and inserting “this Act, the Youth Violence,  
9 Crime, and Drug Abuse Control Act of 1997,  
10 and amendments thereto”;

11 (2) by redesignating subsection (d) as sub-  
12 section (e);

13 (3) by inserting after subsection (c) the follow-  
14 ing:

15 “(d) Not less than 20 percent of the total amount  
16 appropriated to carry out this subtitle in each of the fiscal  
17 years 2001 and 2002 shall be made available for providing  
18 increased resources to State juvenile courts systems, juve-  
19 nile prosecutors, juvenile public defenders, and other juve-  
20 nile court system participants.”;

21 (4) in subsection (e)—

22 (A) in paragraph (4), by striking “and” at  
23 the end;

1 (B) in paragraph (5), by striking the  
 2 comma at the end and inserting a semicolon;  
 3 and

4 (C) by inserting immediately after para-  
 5 graph (5) the following:

6 “(6) \$250,000,000 for fiscal year 2001; and

7 “(7) \$250,000,000 for fiscal year 2002,”.

## 8 **TITLE II—YOUTH VIOLENCE** 9 **CONTROL**

### 10 **Subtitle A—Federal Juvenile** 11 **Prosecutions**

#### 12 **SEC. 201. INCREASED DETENTION, MANDATORY RESTITU-** 13 **TION, AND ADDITIONAL SENTENCING OP-** 14 **TIONS FOR YOUTH OFFENDERS.**

15 Section 5037 of title 18, United States Code, is  
 16 amended to read as follows:

#### 17 **“§ 5037. Dispositional hearing**

18 “(a) IN GENERAL.—

19 “(1) HEARING.—In a proceeding under section  
 20 5032(a), if the court finds a juvenile to be a juvenile  
 21 delinquent, the court shall hold a hearing concerning  
 22 the appropriate disposition of the juvenile not later  
 23 than 20 court days after the finding of juvenile de-  
 24 linquency unless the court has ordered further study  
 25 pursuant to subsection (e).

1           “(2) REPORT.—A predisposition report shall be  
2           prepared by the probation officer who shall promptly  
3           provide a copy to the juvenile, the attorney for the  
4           juvenile, and the attorney for the government.

5           “(3) VICTIM IMPACT INFORMATION.—Victim  
6           impact information shall be included in the report,  
7           and victims, or in appropriate cases their official  
8           representatives, shall be provided the opportunity to  
9           make a statement to the court in person or present  
10          any information in relation to the disposition.

11          “(4) ORDER OF RESTITUTION.—After the  
12          dispositional hearing, and after considering any per-  
13          tinent policy statements promulgated by the Sen-  
14          tencing Commission pursuant to 994, of title 28, the  
15          court shall enter an order of restitution pursuant to  
16          section 3556, and may suspend the findings of juve-  
17          nile delinquency, place the juvenile on probation,  
18          commit the juvenile to official detention (including  
19          the possibility of a term of supervised release), and  
20          impose any fine that would be authorized if the juve-  
21          nile had been tried and convicted as an adult.

22          “(5) RELEASE OR DETENTION.—With respect  
23          to release or detention pending an appeal or a peti-  
24          tion for a writ of certiorari after disposition, the

1 court shall proceed pursuant to the provisions of  
2 chapter 207.

3 “(b) TERM OF PROBATION.—The term for which pro-  
4 bation may be ordered for a juvenile found to be a juvenile  
5 delinquent may not extend beyond the maximum term that  
6 would be authorized by section 3561(c) if the juvenile had  
7 been tried and convicted as an adult. Sections 3563, 3564,  
8 and 3565 are applicable to an order placing a juvenile on  
9 probation.

10 “(c) TERM OF OFFICIAL DETENTION.—

11 “(1) MAXIMUM TERM.—The term for which of-  
12 ficial detention may be ordered for a juvenile found  
13 to be a juvenile delinquent may not extend beyond  
14 the lesser of—

15 “(A) the maximum term of imprisonment  
16 that would be authorized if the juvenile had  
17 been tried and convicted as an adult;

18 “(B) 10 years; or

19 “(C) the date on which the juvenile  
20 achieves the age of 26.

21 “(2) APPLICABILITY OF OTHER PROVISIONS.—

22 Section 3624 shall apply to an order placing a juve-  
23 nile in detention.

24 “(d) TERM OF SUPERVISED RELEASE.—The term for  
25 which supervised release may be ordered for a juvenile

1 found to be a juvenile delinquent may not extend beyond  
2 5 years. Subsections (c) through (i) of section 3583 shall  
3 apply to an order placing a juvenile on supervised release.

4 “(e) CUSTODY OF ATTORNEY GENERAL.—

5 “(1) IN GENERAL.—If the court desires more  
6 detailed information concerning a juvenile alleged to  
7 have committed an act of juvenile delinquency or a  
8 juvenile adjudicated delinquent, it may commit the  
9 juvenile, after notice and hearing at which the juve-  
10 nile is represented by an attorney, to the custody of  
11 the Attorney General for observation and study by  
12 an appropriate agency or entity.

13 “(2) OUTPATIENT BASIS.—Any observation and  
14 study pursuant to a commission under paragraph  
15 (1) shall be conducted on an outpatient basis, unless  
16 the court determines that inpatient observation and  
17 study are necessary to obtain the desired informa-  
18 tion, except that in the case of an alleged juvenile  
19 delinquent, inpatient study may be ordered with the  
20 consent of the juvenile and the attorney for the juve-  
21 nile.

22 “(3) CONTENTS OF STUDY.—The agency or en-  
23 tity conducting an observation or study under this



1 subsection shall make a complete study of the al-  
2 leged or adjudicated delinquent to ascertain the per-  
3 sonal traits, capabilities, background, any prior de-  
4 linquency or criminal experience, any mental or  
5 physical defect, and any other relevant factors per-  
6 taining to the juvenile.

7 “(4) SUBMISSION OF RESULTS.—The Attorney  
8 General shall submit to the court and the attorneys  
9 for the juvenile and the government the results of  
10 the study not later than 30 days after the commit-  
11 ment of the juvenile, unless the court grants addi-  
12 tional time.

13 “(5) EXCLUSION OF TIME.—Any time spent in  
14 custody under this subsection shall be excluded for  
15 purposes of section 5036.

16 “(f) CONVICTION AS ADULT.—With respect to any  
17 juvenile prosecuted and convicted as an adult under sec-  
18 tion 5032(c), the court may, pursuant to guidelines pro-  
19 mulgated by the United States Sentencing Commission  
20 under section 994 of title 28, determine to treat the con-  
21 viction as an adjudication of delinquency and impose any  
22 disposition authorized under this section. The United  
23 States Sentencing Commission shall promulgate such  
24 guidelines as soon as practicable and not later than 1 year  
25 after the date of enactment of this Act.”.

1 **SEC. 202. ACCESS TO RECORDS.**

2 Section 5038 of title 18, United States Code, is  
3 amended—

4 (1) in subsection (a)—

5 (A) by striking the language preceding the  
6 colon and inserting the following:

7 “Throughout and upon completion of the juvenile de-  
8 linquency proceeding, the court records of the original pro-  
9 ceeding shall be safeguarded from disclosure to unauthor-  
10 ized persons. The records shall be released to the extent  
11 necessary to meet the following circumstances”; and

12 (B) in subsection (a), by striking para-  
13 graph (6) and inserting the following:

14 “(6) inquiries from any victim of such juvenile  
15 delinquency, or in appropriate cases with the attor-  
16 ney for the victim, or, if the victim is deceased, from  
17 the immediate family of such victim in order to ap-  
18 prise such person of the status or disposition of the  
19 proceeding;”;

20 (2) by striking subsections (d) and (f) and re-  
21 designating subsection (e) as subsection (d); and

22 (3) by adding at the end the following:

23 “(e) RECORDS AND INFORMATION.—If a juvenile has  
24 been adjudicated delinquent for an act that, if committed  
25 by an adult, would be a felony or for a violation of section  
26 922(x)—

1           “(1) the juvenile shall be fingerprinted and pho-  
 2           tographed, and the fingerprints and photograph  
 3           shall be sent to the Federal Bureau of Investigation;

4           “(2) the court shall transmit to the Federal Bu-  
 5           reau of Investigation the information concerning the  
 6           adjudication, including name, date of adjudication,  
 7           court, offenses, and sentence, along with the nota-  
 8           tion that the matter was a juvenile adjudication; and

9           “(3) access to the fingerprints, photograph, and  
 10          other records and information relating to a juvenile  
 11          described in this subsection, shall be restricted as  
 12          prescribed by subsection (a).”.

13 **SEC. 203. REINSTITUTING DISMISSED CASES.**

14          Section 5036 of title 18, United States Code, is  
 15          amended by striking the last sentence and inserting the  
 16          following: “In determining whether an information should  
 17          be dismissed with or without prejudice, the court shall con-  
 18          sider the seriousness of the offense, the facts and cir-  
 19          cumstances of the case that led to the dismissal, and the  
 20          impact of a reprosecution on the administration of jus-  
 21          tice.”.

1 **Subtitle B—Assistance to States for**  
 2 **Prosecuting and Punishing**  
 3 **Youth Offenders**

4 **SEC. 214. JUVENILE AND VIOLENT OFFENDER INCARCER-**  
 5 **ATION GRANTS.**

6 (a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE  
 7 FACILITIES.—

8 (1) DEFINITIONS.—In this subsection—

9 (A) the term “colocated facility” means the  
 10 location of adult and juvenile facilities on the  
 11 same property consistent with regulations is-  
 12 sued by the Attorney General to ensure that  
 13 adults and juveniles are substantially seg-  
 14 regated;

15 (B) the term “substantially segregated”  
 16 means—

17 (i) complete sight and sound separa-  
 18 tion in residential confinement;

19 (ii) use of shared direct care and  
 20 management staff, properly trained and  
 21 certified by the State to interact with juve-  
 22 nile offenders, if the staff does not interact  
 23 with adult and juvenile offenders during  
 24 the same shift; and

1 (iii) incidental contact during trans-  
 2 portation to court proceedings and other  
 3 activities in accordance with regulations is-  
 4 sued by the Attorney General to ensure  
 5 reasonable efforts are made to segregate  
 6 adults and juveniles;

7 (C) the term “violent juvenile offender”  
 8 means a person under the age of majority pur-  
 9 suant to State law that has been adjudicated  
 10 delinquent or convicted in adult court of a vio-  
 11 lent felony as defined in section 924(e)(2)(B) of  
 12 title 18, United States Code; and

13 (D) the term “qualifying State” means a  
 14 State that has submitted, or a State in which  
 15 an eligible unit of local government has submit-  
 16 ted, a grant application that meets the require-  
 17 ments of paragraphs (3) and (5).

18 (2) AUTHORITY.—

19 (A) IN GENERAL.—The Attorney General  
 20 may make grants in accordance with this sub-  
 21 section to States, units of local government, or  
 22 any combination thereof, to assist them in plan-  
 23 ning, establishing, and operating secure facili-  
 24 ties, staff-secure facilities, detention centers,

1 and other correctional programs for violent ju-  
2 venile offenders.

3 (B) USE OF AMOUNTS.—Grants under this  
4 subsection may be used—

5 (i) for colocated facilities for adult  
6 prisoners and violent juvenile offenders;  
7 and

8 (ii) only for the construction or oper-  
9 ation of facilities in which violent juvenile  
10 offenders are substantially segregated from  
11 nonviolent juvenile offenders.

12 (3) APPLICATIONS.—

13 (A) IN GENERAL.—The chief executive of-  
14 ficer of a State or unit of local government that  
15 seeks to receive a grant under this subsection  
16 shall submit to the Attorney General an appli-  
17 cation, in such form and in such manner as the  
18 Attorney General may prescribe.

19 (B) CONTENTS.—Each application submit-  
20 ted under subparagraph (A) shall provide writ-  
21 ten assurances that each facility or program  
22 funded with a grant under this subsection—

23 (i) will provide appropriate edu-  
24 cational and vocational training, a program  
25 of substance abuse testing, and substance

1 abuse treatment for appropriate juvenile  
2 offenders; and

3 (ii) will afford juvenile offenders in-  
4 tensive post-release supervision and serv-  
5 ices.

6 (4) MINIMUM AMOUNT.—

7 (A) IN GENERAL.—Except as provided in  
8 subparagraph (B), each qualifying State, to-  
9 gether with units of local government within the  
10 State, shall be allocated for each fiscal year not  
11 less than 1.0 percent of the total amount made  
12 available in each fiscal year for grants under  
13 this subsection.

14 (B) EXCEPTION.—The United States Vir-  
15 gin Islands, American Samoa, Guam, and the  
16 Northern Mariana Islands shall each be allo-  
17 cated 0.2 percent of the total amount made  
18 available in each fiscal year for grants under  
19 this subsection.

20 (5) PERFORMANCE EVALUATION.—

21 (A) EVALUATION COMPONENTS.—

22 (i) IN GENERAL.—Each facility or  
23 program funded under this subsection shall  
24 contain an evaluation component developed

1           pursuant to guidelines established by the  
2           Attorney General.

3           (ii) OUTCOME MEASURES.—The eval-  
4           uations required by this subsection shall  
5           include outcome measures that can be used  
6           to determine the effectiveness of the fund-  
7           ed programs, including the effectiveness of  
8           such programs in comparison with other  
9           correctional programs or dispositions in re-  
10          ducing the incidence of recidivism, and  
11          other outcome measures.

12          (B) PERIODIC REVIEW AND REPORTS.—

13           (i) REVIEW.—The Attorney General  
14           shall review the performance of each grant  
15           recipient under this subsection.

16           (ii) REPORTS.—The Attorney General  
17           may require a grant recipient to submit to  
18           the Office of Justice Programs, Correc-  
19           tions Programs Office the results of the  
20           evaluations required under subparagraph  
21           (A) and such other data and information  
22           as are reasonably necessary to carry out  
23           the responsibilities of the Attorney General  
24           under this subsection.



1           (6) TECHNICAL ASSISTANCE AND TRAINING.—

2           The Attorney General shall provide technical assist-  
3           ance and training to grant recipients under this sub-  
4           section to achieve the purposes of this subsection.

5           (b) JUVENILE FACILITIES ON TRIBAL LANDS.—

6           (1) RESERVATION OF FUNDS.—Of amounts  
7           made available to carry out section 214 of this Act  
8           under section 20108(a)(2)(A) of the Violent Crime  
9           Control and Law Enforcement Act of 1994, the At-  
10          torney General shall reserve, to carry out this sub-  
11          section, 0.75 percent for each of the fiscal years  
12          1998 through 2002.

13          (2) GRANTS TO INDIAN TRIBES.—Of amounts  
14          reserved under paragraph (1), the Attorney General  
15          may make grants to Indian tribes or to regional  
16          groups of Indian tribes for the purpose of construct-  
17          ing secure facilities, staff-secure facilities, detention  
18          centers, and other correctional programs for incar-  
19          ceration of juvenile offenders subject to tribal juris-  
20          diction.

21          (3) APPLICATIONS.—To be eligible to receive a  
22          grant under this section, an Indian tribe shall sub-  
23          mit to the Attorney General an application in such  
24          form and containing such information as the Attor-  
25          ney General may by regulation require.

1           (4) REGIONAL GROUPS.—Individual Indian  
2       tribes from a geographic region may apply for  
3       grants under paragraph (2) jointly for the purpose  
4       of building regional facilities.

5       (c) REPORT ON ACCOUNTABILITY AND PERFORM-  
6       ANCE MEASURES IN JUVENILE CORRECTIONS PRO-  
7       GRAMS.—

8           (1) IN GENERAL.—Not later than 6 months  
9       after the date of enactment of this Act, the Attorney  
10      General shall, after consultation with the National  
11      Institute of Justice and other appropriate govern-  
12      mental and nongovernmental organizations, submit  
13      to Congress a report regarding the possible use of  
14      performance-based criteria in evaluating and improv-  
15      ing the effectiveness of juvenile corrections facilities  
16      and programs.

17          (2) CONTENTS.—The report required under  
18      this subsection shall include an analysis of—

19                (A) the range of performance-based meas-  
20               ures that might be utilized as evaluation cri-  
21               teria, including measures of recidivism among  
22               juveniles who have been incarcerated in facili-  
23               ties or have participated in correctional pro-  
24               grams;

(B) the feasibility of linking Federal juvenile corrections funding to the satisfaction of performance-based criteria by grantees (including the use of a Federal matching mechanism under which the share of Federal funding would vary in relation to the performance of a program or facility);

(C) whether, and to what extent, the data necessary for the Attorney General to utilize performance-based criteria in the Attorney General's administration of juvenile corrections programs are collected and reported nationally; and

(D) the estimated cost and feasibility of establishing minimal, uniform data collection and reporting standards nationwide that would allow for the use of performance-based criteria in evaluating juvenile corrections programs and facilities and administering Federal juvenile corrections funds.

**SEC. 215. CERTAIN PUNISHMENT AND GRADUATED SANCTIONS FOR YOUTH OFFENDERS.**

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

1           (A) youth violence constitutes a growing  
2 threat to the national welfare requiring imme-  
3 diate and comprehensive action by the Federal  
4 Government to reduce and prevent youth vio-  
5 lence;

6           (B) the behavior of youth who become vio-  
7 lent offenders often follow a progression, begin-  
8 ning with aggressive behavior in school, tru-  
9 ancy, and vandalism, leading to property crimes  
10 and then serious violent offenses;

11          (C) the juvenile justice systems in most  
12 States are ill-equipped to provide meaningful  
13 sanctions to minor, nonviolent offenders be-  
14 cause most of their resources are dedicated to  
15 dealing with more serious offenders;

16          (D) in most States, some youth commit  
17 multiple, nonviolent offenses without facing any  
18 significant criminal sanction;

19          (E) the failure to provide meaningful  
20 criminal sanctions for first time, nonviolent of-  
21 fenders sends the false message to youth that  
22 they can engage in antisocial behavior without  
23 suffering any negative consequences and that  
24 society is unwilling or unable to restrain that  
25 behavior;

1 (F) studies demonstrate that interventions  
 2 during the early stages of a criminal career can  
 3 halt the progression to more serious, violent be-  
 4 havior; and

5 (G) juvenile courts need access to a range  
 6 of sentencing options so that at least some level  
 7 of sanction is imposed on all youth offenders,  
 8 including status offenders, and the severity of  
 9 the sanctions increase along with the serious-  
 10 ness of the offense.

11 (2) PURPOSES.—The purposes of this section  
 12 are to provide assistance to State and local juvenile  
 13 courts to expand the range of sentencing options for  
 14 first time, nonviolent offenders and to provide a se-  
 15 lection of graduated sanctions for more serious of-  
 16 fenses.

17 (b) DEFINITIONS.—In this section—

18 (1) the term “first time offender” means a ju-  
 19 venile against whom formal charges have not pre-  
 20 viously been filed in any Federal or State judicial  
 21 proceeding;

22 (2) the term “nonviolent offender” means a ju-  
 23 venile who is charged with an offense that does not  
 24 involve the use of force against the person of an-  
 25 other; and

1           (3) the term “status offender” means a juvenile  
 2           who is charged with an offense that would not be  
 3           criminal if committed by an adult (other than an of-  
 4           fense that constitutes a violation of a valid court  
 5           order or a violation of section 922(x) of title 18,  
 6           United States Code (or similar State law)).

7           (c) GRANT AUTHORIZATION.—

8           (1) IN GENERAL.—The Attorney General may  
 9           make grants in accordance with this section to  
 10          States, State courts, local courts, units of local gov-  
 11          ernment, and Indian tribes, for the purposes of—

12                (A) providing juvenile courts with a range  
 13                of sentencing options such that first time juve-  
 14                nile offenders, including status offenders such  
 15                as truants, vandals, and juveniles in violation of  
 16                State or local curfew laws, face at least some  
 17                level of punishment as a result of their initial  
 18                contact with the juvenile justice system; and

19                (B) increasing the sentencing options avail-  
 20                able to juvenile court judges so that juvenile of-  
 21                fenders receive increasingly severe sanctions—

22                       (i) as the seriousness of their unlawful  
 23                       conduct increases; and

24                       (ii) for each additional offense.

25          (c) APPLICATIONS.—

1           (1) ELIGIBILITY.—In order to be eligible to re-  
2       ceive a grant under this section, the chief executive  
3       of a State, unit of local government, or Indian tribe,  
4       or the chief judge of a local court, shall submit an  
5       application to the Attorney General in such form  
6       and containing such information as the Attorney  
7       General may reasonably require.

8           (2) REQUIREMENTS.—Each application submit-  
9       ted in accordance with paragraph (1) shall include—

10           (A) a request for a grant to be used for  
11       the purposes described in this section;

12           (B) a description of the communities to be  
13       served by the grant, including the extent of  
14       youth crime and violence in those communities;

15           (C) written assurances that Federal funds  
16       received under this subtitle will be used to sup-  
17       plement, not supplant, non-Federal funds that  
18       would otherwise be available for activities fund-  
19       ed under this subsection;

20           (D) a comprehensive plan described in  
21       paragraph (3) (in this section referred to as the  
22       “comprehensive plan”); and

23           (E) any additional information in such  
24       form and containing such information as the  
25       Attorney General may reasonably require.

1           (3) IMPLEMENTATION PLAN.—For purposes of  
2 paragraph (2), a comprehensive plan shall include—

3           (A) an action plan outlining the manner in  
4 which the applicant will achieve the purposes  
5 described in subsection (c)(1);

6           (B) a description of any resources available  
7 in the jurisdiction of the applicant to implement  
8 the action plan described in subparagraph (A);

9           (C) an estimate of the costs of full imple-  
10 mentation of the plan; and

11           (D) a plan for evaluating the impact of the  
12 grant on the jurisdiction’s juvenile justice sys-  
13 tem.

14       (e) GRANT AWARDS.—

15           (1) CONSIDERATIONS.—In awarding grants  
16 under this section, the Attorney General shall con-  
17 sider—

18           (A) the ability of the applicant to provide  
19 the stated services;

20           (B) the level of youth crime, violence, and  
21 drug use in the community; and

22           (C) to the extent practicable, achievement  
23 of an equitable geographic distribution of the  
24 grant awards.

25           (2) ALLOCATIONS.—



1           (A) IN GENERAL.—The Attorney General  
2           shall allot not less than 0.75 percent of the  
3           total amount made available to carry out this  
4           section in each fiscal year to applicants in each  
5           State from which applicants have applied for  
6           grants under this section.

7           (B) INDIAN TRIBES.—The Attorney Gen-  
8           eral shall allocate not less than 0.75 percent of  
9           the total amount made available to carry out  
10          this section in each fiscal year to Indian tribes.

11       (f) USE OF GRANT AMOUNTS.—

12           (1) IN GENERAL.—Each grant made under this  
13          section shall be used to establish programs that—

14           (A) expand the number of judges, prosecu-  
15          tors, and public defenders for the purpose of  
16          imposing sanctions on first time juvenile offend-  
17          ers and status offenders;

18           (B) provide expanded sentencing options,  
19          such as restitution, community service, drug  
20          testing and treatment, mandatory job training,  
21          curfews, house arrest, mandatory work projects,  
22          and boot camps, for status offenders and non-  
23          violent offenders;

1 (C) increase staffing for probation officers  
 2 to supervise status offenders and nonviolent of-  
 3 fenders to ensure that sanctions are enforced;

4 (D) provide aftercare and supervision for  
 5 status and nonviolent offenders, such as drug  
 6 education and drug treatment, vocational train-  
 7 ing, job placement, and family counseling;

8 (E) encourage private sector employees to  
 9 provide training and work opportunities for sta-  
 10 tus offenders and nonviolent offenders; and

11 (F) provide services and interventions for  
 12 status and nonviolent offenders designed, in  
 13 tandem with criminal sanctions, to reduce the  
 14 likelihood of further criminal behavior.

15 (2) PROHIBITION ON USE OF AMOUNTS.—

16 (A) DEFINITIONS.—In this paragraph—

17 (i) the term “alien” has the same  
 18 meaning as in section 101(a) of the Immi-  
 19 gration and Nationality Act (8 U.S.C.  
 20 1101(a)); and

21 (ii) the terms “secure detention facil-  
 22 ity” and “secure correctional facility” have  
 23 the same meanings as in section 103 of the  
 24 Juvenile Justice and Delinquency Preven-  
 25 tion Act of 1974 (42 U.S.C. 5603).

1           (B) PROHIBITION.—No amounts made  
2           available under this subtitle may be used for  
3           any program that permits the placement of sta-  
4           tus offenders, alien juveniles in custody, or non-  
5           offender juveniles (such as dependent or ne-  
6           glected children) in secure detention facilities or  
7           secure correctional facilities.

8           (g) GRANT LIMITATIONS.—Not more than 3 percent  
9           of the amounts made available to the Attorney General  
10          or a grant recipient under this section may be used for  
11          administrative purposes.

12          (h) FEDERAL SHARE.—

13           (1) IN GENERAL.—Subject to paragraphs (2)  
14           and (3), the Federal share of a grant made under  
15           this subtitle may not exceed 90 percent of the total  
16           estimated costs of the program described in the com-  
17           prehensive plan submitted under subsection (d)(3)  
18           for the fiscal year for which the program receives as-  
19           sistance under this section.

20           (2) WAIVER.—The Attorney General may  
21           waive, in whole or in part, the requirements of para-  
22           graph (1).

23           (3) IN-KIND CONTRIBUTIONS.—For purposes of  
24           paragraph (1), in-kind contributions may constitute

1 any portion of the non-Federal share of a grant  
2 under this section.

3 (i) REPORT AND EVALUATION.—

4 (1) REPORT TO THE ATTORNEY GENERAL.—

5 Not later than October 1, 1998, and October 1 of  
6 each year thereafter, each grant recipient under this  
7 section shall submit to the Attorney General a report  
8 that describes, for the year to which the report re-  
9 lates, any progress achieved in carrying out the com-  
10 prehensive plan of the grant recipient.

11 (2) EVALUATION AND REPORT TO CONGRESS.—

12 Not later than March 1, 1999, and March 1 of each  
13 year thereafter, the Attorney General shall submit to  
14 the Congress an evaluation and report that contains  
15 a detailed statement regarding grant awards, activi-  
16 ties of grant recipients, a compilation of statistical  
17 information submitted by grant recipients under this  
18 section, and an evaluation of programs established  
19 by grant recipients under this section.

20 (3) CRITERIA.—In assessing the effectiveness of  
21 the programs established and operated by grant re-  
22 cipients pursuant to this section, the Attorney Gen-  
23 eral shall consider—

24 (A) a comparison between the number of  
25 first time offenders who received a sanction for

1 criminal behavior in the jurisdiction of the  
2 grant recipient before and after initiation of the  
3 program;

4 (B) changes in the recidivism rate for first  
5 time offenders in the jurisdiction of the grant  
6 recipient;

7 (C) a comparison of the recidivism rates  
8 and the seriousness of future offenses of first  
9 time offenders in the jurisdiction of the grant  
10 recipient that receive a sanction and those who  
11 do not;

12 (D) changes in truancy rates of the public  
13 schools in the jurisdiction of the grant recipient;  
14 and

15 (E) changes in the arrest rates for vandal-  
16 ism and other property crimes in the jurisdic-  
17 tion of the grant recipient.

18 (4) DOCUMENTS AND INFORMATION.—Each  
19 grant recipient under this section shall provide the  
20 Attorney General with all documents and informa-  
21 tion that the Attorney General determines to be nec-  
22 essary to conduct an evaluation of the effectiveness  
23 of programs funded under this section.

1 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 from the Violent Crime Reduction Trust Fund—

4 (1) such sums as may be necessary for each of  
 5 the fiscal years 1998 and 1999; and

6 (2) \$175,000,000 for each of the fiscal years  
 7 2000 and 2001.

## 8 **Subtitle C—Juvenile Gun Courts**

### 9 **SEC. 221. DEFINITIONS.**

10 In this subtitle—

11 (1) the term “firearm” has the same meaning  
 12 as in section 921 of title 18, United States Code;

13 (2) the term “firearm offender” means any in-  
 14 dividual charged with an offense involving the illegal  
 15 possession, use, transfer, or threatened use of a fire-  
 16 arm; and

17 (3) the term “local court” means any section or  
 18 division of a State or municipal juvenile court sys-  
 19 tem; and

20 (4) the term “juvenile gun court” means a spe-  
 21 cialized division within a State or local juvenile court  
 22 system, or a specialized docket within a State or  
 23 local court that considers exclusively cases involving  
 24 juvenile firearm offenders.

1 **SEC. 222. GRANT PROGRAM.**

2       The Attorney General may provide grants in accord-  
3       ance with this subtitle to States, State courts, local courts,  
4       units of local government, and Indian tribes for court-  
5       based juvenile justice programs that target juvenile fire-  
6       arm offenders through the establishment of juvenile gun  
7       courts.

8 **SEC. 223. APPLICATIONS.**

9       (a) **ELIGIBILITY.**—In order to be eligible to receive  
10      a grant under this subtitle, the chief executive of a State,  
11      unit of local government, or Indian tribe, or the chief  
12      judge of a local court, shall submit an application to the  
13      Attorney General in such form and containing such infor-  
14      mation as the Attorney General may reasonably require.

15      (b) **REQUIREMENTS.**—Each application submitted in  
16      accordance with subsection (a) shall include—

17           (1) a request for a grant to be used for the pur-  
18           poses described in this subtitle;

19           (2) a description of the communities to be  
20           served by the grant, including the extent of juvenile  
21           crime, juvenile violence, and juvenile firearm use and  
22           possession in such communities;

23           (3) written assurances that Federal funds re-  
24           ceived under this subtitle will be used to supplement,

1 not supplant, non-Federal funds that would other-  
2 wise be available for activities funded under this  
3 subsection;

4 (4) a comprehensive plan described in sub-  
5 section (c) (hereafter in this subtitle referred to as  
6 the “comprehensive plan”); and

7 (5) any additional information in such form and  
8 containing such information as the Attorney General  
9 may reasonably require.

10 (c) COMPREHENSIVE PLAN.—For purposes of sub-  
11 section (b), a comprehensive plan is described in this sub-  
12 section it includes—

13 (1) a description of the juvenile crime and vio-  
14 lence problems in the jurisdiction of the applicant,  
15 including gang crime and juvenile firearm use and  
16 possession;

17 (2) an action plan outlining the manner in  
18 which the applicant would use the grant amounts in  
19 accordance with this subtitle;

20 (3) a description of any resources available in  
21 the jurisdiction of the applicant to implement the ac-  
22 tion plan described in paragraph (2); and

23 (4) a description of the plan of the applicant for  
24 evaluating the performance of the juvenile gun  
25 court.



1 **SEC. 224. GRANT AWARDS.**

2 (a) CONSIDERATIONS.—In awarding grants under  
3 this subtitle, the Attorney General shall consider—

4 (1) the ability of the applicant to provide the  
5 stated services;

6 (2) the level of juvenile crime, violence, and  
7 drug use in the community; and

8 (3) to the extent practicable, achievement of an  
9 equitable geographic distribution of the grant  
10 awards.

11 (b) DIVERSITY.—The Attorney General shall allot not  
12 less than 0.75 percent of the total amount made available  
13 each fiscal year to carry out this subtitle to applicants in  
14 each State from which applicants have applied for grants  
15 under this subtitle.

16 (c) INDIAN TRIBES.—The Attorney General shall al-  
17 locate 0.75 percent of amounts made available under this  
18 subtitle for grants to Indian tribes.

19 **SEC. 225. USE OF GRANT AMOUNTS.**

20 Each grant made under this subtitle shall be used—

21 (1) to establish juvenile gun courts for adju-  
22 dication of juvenile firearm offenders;

23 (2) to grant prosecutorial discretion to try, in  
24 a gun court, cases involving the illegal possession,  
25 use, transfer, or threatened use of a firearm by a ju-  
26 venile;

1           (3) to require prosecutors to transfer such cases  
2           to the gun court calendar not later than 30 days  
3           after arraignment;

4           (4) to require that gun court trials commence  
5           not later than 60 days after transfer to the gun  
6           court;

7           (5) to facilitate innovative and individualized  
8           sentencing (such as incarceration, house arrest, vic-  
9           tim impact classes, electronic monitoring, restitution,  
10          and gang prevention programs);

11          (6) to provide services in furtherance of para-  
12          graph (5);

13          (7) to limit grounds for continuances and grant  
14          continuances only for the shortest practicable time;

15          (8) to ensure that any term of probation or su-  
16          pervised release imposed on a firearm offender in a  
17          juvenile gun court, in addition to, or in lieu of, a  
18          term of incarceration, shall include a prohibition on  
19          firearm possession during such probation or super-  
20          vised release and that violation of that prohibition  
21          shall result in, to the maximum extent permitted  
22          under State law, a term of incarceration; and

23          (9) to allow transfer of a case or an offender  
24          out of the gun court by agreement of the parties,  
25          subject to court approval.

1 **SEC. 226. GRANT LIMITATIONS.**

2 Not more than 5 percent of the amounts made avail-  
3 able to the Attorney General or a grant recipient under  
4 this subtitle may be used for administrative purposes.

5 **SEC. 227. FEDERAL SHARE.**

6 (a) IN GENERAL.—Subject to subsections (b) and (c),  
7 the Federal share of a grant made under this subtitle may  
8 not exceed 90 percent of the total cost of the program  
9 or programs of the grant recipient that are funded by that  
10 grant for the fiscal year for which the program receives  
11 assistance under this subtitle.

12 (b) WAIVER.—The Attorney General may waive, in  
13 whole or in part, the requirements of subsection (a).

14 (c) IN-KIND CONTRIBUTIONS.—For purposes of sub-  
15 section (a), in-kind contributions may constitute any por-  
16 tion of the non-Federal share of a grant under this sub-  
17 title.

18 (d) CONTINUED AVAILABILITY OF GRANT  
19 AMOUNTS.—Any amount provided to a grant recipient  
20 under this subtitle shall remain available until expended.

21 **SEC. 228. REPORT AND EVALUATION.**

22 (a) REPORT TO THE ATTORNEY GENERAL.—Not  
23 later than March 1, 1998, and March 1 of each year there-  
24 after, each grant recipient under this subtitle shall submit  
25 to the Attorney General a report that describes, for the

1 year to which the report relates, any progress achieved in  
 2 carrying out the comprehensive plan of the grant recipient.

3 (b) EVALUATION AND REPORT TO CONGRESS.—Not  
 4 later than October 1, 1998, and October 1 of each year  
 5 thereafter, the Attorney General shall submit to the Con-  
 6 gress an evaluation and report that contains a detailed  
 7 statement regarding grant awards, activities of grant re-  
 8 cipients, a compilation of statistical information submitted  
 9 by grant recipients under this subtitle, and an evaluation  
 10 of programs established by grant recipients under this  
 11 subtitle.

12 (c) CRITERIA.—In assessing the effectiveness of the  
 13 programs established and operated by grant recipients  
 14 pursuant to this subtitle, the Attorney General shall con-  
 15 sider—

16 (1) the number of juveniles tried in gun court  
 17 sessions in the jurisdiction of the grant recipient;

18 (2) a comparison of the amount of time be-  
 19 tween the filing of charges and ultimate disposition  
 20 in gun court and nongun court cases;

21 (3) the recidivism rates of juvenile offenders  
 22 tried in gun court sessions in the jurisdiction of the  
 23 grant recipient in comparison to those tried outside  
 24 of drug courts;

1           (4) changes in the amount of gun-related and  
 2           gang-related crime in the jurisdiction of the grant  
 3           recipient; and

4           (5) the quantity of firearms and ammunition  
 5           recovered in gun court cases in the jurisdiction of  
 6           the grant recipient.

7           (d) DOCUMENTS AND INFORMATION.—Each grant  
 8           recipient under this subtitle shall provide the Attorney  
 9           General with all documents and information that the At-  
 10          torney General determines to be necessary to conduct an  
 11          evaluation of the effectiveness of programs funded under  
 12          this subtitle.

13   **SEC. 229. AUTHORIZATION OF APPROPRIATIONS.**

14          There are authorized to be appropriated to carry out  
 15          this subtitle from the Violent Crime Reduction Trust  
 16          Fund—

17               (1) such sums as may be necessary for each of  
 18               the fiscal years 1998, 1999, and 2000;

19               (2) \$50,000,000 for fiscal year 2001; and

20               (3) \$50,000,000 for fiscal year 2002.

# **Subtitle D—Gang Violence Reduction**

## **PART 1—ENHANCED PENALTIES FOR GANG- RELATED ACTIVITIES**

### **SEC. 241. GANG FRANCHISING.**

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

### **“SEC. 522. INTERSTATE FRANCHISING OF CRIMINAL STREET GANGS.**

“(a) PROHIBITED ACT.—Whoever travels in interstate or foreign commerce, or causes another to do so, to recruit, solicit, induce, command, or cause to create, or attempt to create a franchise of a criminal street gang shall be punished in accordance with subsection (c).

### “(b) DEFINITIONS.—

“(1) CRIMINAL STREET GANG.—The term ‘criminal street gang’ has the meaning given that term in section 521 of title 18, United States Code.

“(2) FRANCHISE.—The term ‘franchise’ means an organized group of individuals related by name, moniker, or other identifier, that engages in coordinated violent crime or drug trafficking activities in interstate or foreign commerce with a criminal street gang in another State.

1       “(c) PENALTIES.—A person who violates subsection  
2 (a) shall be imprisoned for not more than 10 years, fined  
3 under this title, or both.

4       “(d) SENTENCING ENHANCEMENT.—Pursuant to its  
5 authority under section 994(p) of title 28, United States  
6 Code, the United States Sentencing Commission shall  
7 amend the Federal sentencing guidelines to provide an ap-  
8 propriate enhancement for the recruitment of minors in  
9 furtherance of the creation of a criminal street gang fran-  
10 chise.”.

11       (b) CONFORMING AMENDMENT.—The chapter analy-  
12 sis for chapter 26 of title 18, United States Code, is  
13 amended by adding at the end the following:

“522. Interstate franchising of criminal street gangs.”.

14 **SEC. 242. GANG FRANCHISING AS A RICO PREDICATE.**

15       Section 1961(1) of title 18, United States Code, is  
16 amended—

17           (1) by striking “or” before “(F)”; and

18           (2) by inserting “, or (G) an offense under sec-  
19 tion 522 of this title” before the semicolon at the  
20 end.

21 **SEC. 243. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**  
22 **TION IN CRIME AS GANG MEMBER.**

23       (a) DEFINITION OF CRIMINAL STREET GANG.—In  
24 this section, the term “criminal street gang” has the same

1 meaning as in section 521(a) of title 18, United States  
2 Code.

3 (b) SENTENCING ENHANCEMENT.—Pursuant to its  
4 authority under section 994(p) of title 28, United States  
5 Code, the United States Sentencing Commission shall  
6 amend the Federal sentencing guidelines to provide an ap-  
7 propriate enhancement with respect to any offense com-  
8 mitted in connection with, or in furtherance of, the activi-  
9 ties of a criminal street gang if the defendant is a member  
10 of the criminal street gang at the time of the offense.

11 (c) CONSISTENCY.—In carrying out this section, the  
12 United States Sentencing Commission shall—

13 (1) ensure that there is reasonable consistency  
14 with other Federal sentencing guidelines; and

15 (2) avoid duplicative punishment for substan-  
16 tially the same offense.

17 **SEC. 244. INCREASING THE PENALTY FOR USING PHYSICAL**  
18 **FORCE TO TAMPER WITH WITNESSES, VIC-**  
19 **TIMS, OR INFORMANTS.**

20 Section 1512 of title 18, United States Code, is  
21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by striking “as pro-  
24 vided in paragraph (2)” and inserting “as pro-  
25 vided in paragraph (3)”;



1 (B) by redesignating paragraph (2) as  
2 paragraph (3);

3 (C) by inserting after paragraph (1) the  
4 following:

5 “(2) Whoever uses physical force or the threat  
6 of physical force, or attempts to do so, with intent  
7 to—

8 “(A) influence, delay, or prevent the testi-  
9 mony of any person in an official proceeding;

10 “(B) cause or induce any person to—

11 “(i) withhold testimony, or withhold a  
12 record, document, or other object, from an  
13 official proceeding;

14 “(ii) alter, destroy, mutilate, or con-  
15 ceal an object with intent to impair the ob-  
16 ject’s integrity or availability for use in an  
17 official proceeding;

18 “(iii) evade legal process summoning  
19 that person to appear as a witness, or to  
20 produce a record, document, or other ob-  
21 ject, in an official proceeding; and

22 “(iv) be absent from an official pro-  
23 ceeding to which such person has been  
24 summoned by legal process; or

1           “(C) hinder, delay, or prevent the commu-  
 2           nication to a law enforcement officer or judge  
 3           of the United States of information relating to  
 4           the commission or possible commission of a  
 5           Federal offense or a violation of conditions of  
 6           probation, parole, or release pending judicial  
 7           proceedings;  
 8           shall be punished as provided in paragraph (3).”;  
 9           and

10           (D) in paragraph (3)(B), as redesignated,  
 11           by striking “in the case of” and all that follows  
 12           before the period and inserting “an attempt to  
 13           murder, the use of physical force, the threat of  
 14           physical force, or an attempt to do so, imprison-  
 15           ment for not more than 20 years”; and  
 16           (2) in subsection (b), by striking “or physical  
 17           force”.

18 **SEC. 245. POSSESSION OF FIREARMS IN RELATION TO**  
 19 **COUNTS OF VIOLENCE OR DRUG TRAFFICK-**  
 20 **ING CRIMES.**

21           (a) IN GENERAL.—Sections 924(c)(1) and 929(a)(1)  
 22           of title 18, United States Code, are each amended—  
 23           (1) by striking “in relation to” and inserting  
 24           “in close proximity to”; and

1           (2) by striking “uses or carries” and inserting  
2           “possesses”.

3           (b) AMENDMENT OF FEDERAL SENTENCING GUIDE-  
4 LINES.—

5           (1) DEFINITIONS.—In this subsection, the  
6           terms “crime of violence” and “drug trafficking  
7           crime” have the same meanings as in section 924(c)  
8           of title 18, United States Code.

9           (2) SENTENCING ENHANCEMENT.—Pursuant to  
10          its authority under section 994(p) of title 28, United  
11          States Code, the United States Sentencing Commis-  
12          sion shall amend the Federal sentencing guidelines  
13          to provide an appropriate sentence enhancement  
14          with respect to any defendant who discharges a fire-  
15          arm during or in close proximity to any crime of vio-  
16          lence or any drug trafficking crime.

17          (3) CONSISTENCY.—In carrying out this sub-  
18          section, the United States Sentencing Commission  
19          shall—

20                 (A) ensure that there is reasonable consist-  
21                 ency with other Federal sentencing guidelines;  
22                 and

23                 (B) avoid duplicative punishment for sub-  
24                 stantially the same offense.

1 **SEC. 246. INCREASED PENALTY FOR TRANSFERRING A**  
 2 **FIREARM TO A MINOR FOR USE IN A CRIME.**

3 Section 924(h) of title 18, United States Code, is  
 4 amended by inserting “except if the transferee is a person  
 5 who is less than 18 years of age, not more than 15 years,”  
 6 before “fined in accordance with this title, or both”.

7 **SEC. 247. ELIMINATION OF STATUTE OF LIMITATIONS FOR**  
 8 **MURDER.**

9 (a) IN GENERAL.—Section 3281 of title 18, United  
 10 States Code, is amended to read as follows:

11 **“§ 3281. Capital offenses and Class A felonies involv-**  
 12 **ing murder**

13 “An indictment for any offense punishable by death  
 14 or an indictment or information for a Class A felony in-  
 15 volving murder (as defined in section 1111 or as defined  
 16 under applicable State law in the case of an offense under  
 17 section 1963(a) involving racketeering activity described  
 18 in section 1961(1)) may be found at any time without limi-  
 19 tation.”.

20 (b) APPLICABILITY.—The amendment made by sub-  
 21 section (a) applies to any offense for which the applicable  
 22 statute of limitations had not run as of the date of enact-  
 23 ment of this Act.

1 **SEC. 248. EXTENSION OF STATUTE OF LIMITATIONS FOR**  
2 **VIOLENT AND DRUG TRAFFICKING CRIMES.**

3 (a) IN GENERAL.—Chapter 213 of title 18, United  
4 States Code, is amended by adding at the end the follow-  
5 ing:

6 **“§ 3295. Class A violent and drug trafficking offenses**

7 “Except as provided in section 3281, no person shall  
8 be prosecuted, tried, or punished for a Class A felony that  
9 is a crime of violence or a drug trafficking crime (as that  
10 term is defined in section 924(c)) unless the indictment  
11 is returned or the information is filed within 10 years after  
12 the commission of the offense.”.

13 (b) APPLICABILITY.—The amendment made by sub-  
14 section (a) applies to any offense for which the applicable  
15 statute of limitations had not run as of the date of enact-  
16 ment of this Act.

17 (c) CONFORMING AMENDMENTS.—The chapter anal-  
18 ysis for chapter 213 of title 18, United States Code, is  
19 amended—

20 (1) in the item relating to section 3281, by in-  
21 serting “and Class A felonies involving murder” be-  
22 fore the period; and

23 (2) by adding at the end the following:

“3295. Class A violent and drug trafficking offenses.”.

**PART 2—GANG PARAPHERNALIA**

**SEC. 251. ENHANCING LAW ENFORCEMENT ACCESS TO  
CLONE NUMERIC PAGERS.**

(a) AMENDMENT TO CHAPTER 206.—Chapter 206 of title 18, United States Code, is amended—

(1) in the chapter heading, by striking “AND TRAP AND TRACE DEVICES” and inserting: “TRAP AND TRACE DEVICES, AND CLONE NUMERIC PAGERS”;

(2) in the chapter analysis—

(A) by striking “and trap and trace device” each place that term appears and inserting “trap and trace device, and clone pager”; and

(B) by striking “or a trap and trace device” each place that term appears and inserting “, a trap and trace device, or a clone pager”;

(3) in section 3121—

(A) in the section heading, by striking “**AND TRAP AND TRACE DEVICE**” and inserting “, **TRAP AND TRACE DEVICE, AND CLONE PAGER**”; and

1 (B) by striking “or a trap and trace de-  
 2 vice” each place that term appears and insert-  
 3 ing “, a trap and trace device, or a clone  
 4 pager”;

5 (4) in section 3122—

6 (A) in the section heading, by striking “**OR**  
 7 **A TRAP AND TRACE DEVICE**” and inserting  
 8 “, **A TRAP AND TRACE DEVICE, OR A**  
 9 **CLONE PAGER**”; and

10 (B) by striking “or a trap and trace de-  
 11 vice” each place that term appears and insert-  
 12 ing “, a trap and trace device, or a clone  
 13 pager”;

14 (5) in section 3123—

15 (A) in the section heading, by striking “**OR**  
 16 **A TRAP AND TRACE DEVICE**” and inserting  
 17 “, **A TRAP AND TRACE DEVICE, OR A**  
 18 **CLONE PAGER**”;

19 (B) by striking subsection (a) and insert-  
 20 ing the following:

21 “(a) IN GENERAL.—Upon an application made under  
 22 section 3122 of this title, the court shall enter an ex parte  
 23 order authorizing the installation and use of a pen register  
 24 or a trap and trace device within the jurisdiction of the  
 25 court, or of a clone pager the service provider for which

1 is within the jurisdiction of the court, if the court finds,  
2 upon a showing by certification of the attorney for the  
3 Government or the State law enforcement or investigative  
4 officer, that the information likely to be obtained by such  
5 installation and use is relevant to an ongoing criminal in-  
6 vestigation.”;

7 (C) in subsection (b)—

8 (i) in paragraph (1)—

9 (I) in subparagraph (A), by in-  
10 serting before the semicolon the fol-  
11 lowing: “, or in the case of a clone  
12 pager, the identity, if known, of the  
13 person to whom is leased, or who is  
14 the subscriber of the paging device  
15 communications to which will be inter-  
16 cepted by the clone pager”; and

17 (II) in subparagraph (C), by in-  
18 serting before the semicolon the fol-  
19 lowing: “, or in the case of a clone  
20 pager, the number of the paging de-  
21 vice to which the clone pager is identi-  
22 cally programmed”; and

23 (ii) in paragraph (2), by striking “or  
24 trap and trace device” and inserting “trap  
25 and trace device, or a clone pager”; and



1 (D) in subsection (c), by striking “or trap  
2 and trace device” and inserting “trap and trace  
3 device, or a clone pager”; and

4 (E) in subsection (d)—

5 (i) in the subsection heading, by strik-  
6 ing “OR TRAP AND TRACE DEVICE” and  
7 inserting “, TRAP AND TRACE DEVICE, OR  
8 CLONE PAGER”; and

9 (ii) in paragraph (2), by inserting “or  
10 the paging device, communications to  
11 which will be intercepted by the clone  
12 pager,” after “attached,”;

13 (6) in section 3124—

14 (A) in the section heading, by striking “**OR**  
15 **A TRAP AND TRACE DEVICE**” and inserting  
16 “, **A TRAP AND TRACE DEVICE, OR A**  
17 **CLONE PAGER**”;

18 (B) by redesignating subsections (c)  
19 through (f) as subsections (d) through (g), re-  
20 spectively; and

21 (C) by inserting after subsection (b) the  
22 following:

23 “(c) CLONE PAGER.—Upon the request of an attor-  
24 ney for the Government or an officer of a law enforcement  
25 agency authorized to acquire and use a clone pager under

1 this chapter, a Federal court may order, in accordance  
 2 with section 3123(b)(2), a provider of a paging service or  
 3 other person to furnish to such investigative or law en-  
 4 forcement officer, all information, facilities, and technical  
 5 assistance necessary to accomplish the operation and use  
 6 of a clone pager unobtrusively and with a minimum of in-  
 7 terference with the services that the person so ordered by  
 8 the court accords the party with respect to whom the pro-  
 9 gramming and use is to take place.”;

10 (7) in section 3125—

11 (A) in the section heading, by striking  
 12 “**AND TRAP AND TRACE DEVICE**” and insert-  
 13 ing “**, TRAP AND TRACE DEVICE, AND**  
 14 **CLONE PAGER**”; and

15 (B) in subsection (a)—

16 (i) by striking “or trap and trace de-  
 17 vice” and inserting “, a trap and trace de-  
 18 vice, or a clone pager”;

19 (ii) by striking the quotation marks at  
 20 the end; and

21 (iii) by striking “or trap and trace de-  
 22 vice” each place that term appears and in-  
 23 serting “, trap and trace device, or clone  
 24 pager”;

25 (8) in section 3126—

1 (A) in the section heading, by striking  
 2 “**AND TRAP AND TRACE DEVICES**” and in-  
 3 serting “**, TRAP AND TRACE DEVICES, AND**  
 4 **CLONE PAGERS**”; and

5 (B) by inserting “or clone pagers” after  
 6 “devices”; and

7 (9) in section 3127—

8 (A) by redesignating paragraphs (5) and  
 9 (6) as paragraphs (6) and (7), respectively; and

10 (B) by inserting after paragraph (4) the  
 11 following:

12 “(5) the term ‘clone pager’ means a numeric  
 13 display device that receives transmissions intended  
 14 for another numeric display paging device.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 2511(2)(H) of title 18, United  
 17 States Code, is amended by striking clause (i) and  
 18 inserting the following:

19 “(i) to use a pen register, a trap and  
 20 trace device, or a clone pager (as those  
 21 terms are defined for the purposes of chap-  
 22 ter 206 (relating to pen registers, trap and  
 23 trace devices, and clone pagers) of this  
 24 title); or”.

1           (2) Section 2510(12) of title 18, United States  
2 Code, is amended—

3                   (A) in subparagraph (B), by striking “or”  
4 at the end; and

5                   (B) by inserting after subparagraph (C)  
6 the following: “or

7                   “(D) any transmission made through a  
8 clone pager (as defined in section 3127(5) of  
9 this title).”.

10 **SEC. 252. PROHIBITIONS RELATING TO BODY ARMOR.**

11       (a) DEFINITIONS.—In this section—

12           (1) the term “body armor” means any product  
13 sold or offered for sale as personal protective body  
14 covering intended to protect against gunfire, regard-  
15 less of whether the product is to be worn alone or  
16 is sold as a complement to another product or gar-  
17 ment; and

18           (2) the term “law enforcement officer” means  
19 any officer, agent, or employee of the United States,  
20 a State, or a political subdivision of a State, author-  
21 ized by law or by a government agency to engage in  
22 or supervise the prevention, detection, investigation,  
23 or prosecution of any violation of criminal law.

24       (b) SENTENCING ENHANCEMENT.—Pursuant to its  
25 authority under section 994(p) of title 28, United States

1 Code, the United States Sentencing Commission shall  
2 amend the Federal sentencing guidelines to provide an ap-  
3 propriate sentencing enhancement for any offense in which  
4 the defendant used body armor.

5 (c) CONSISTENCY.—In carrying out this section, the  
6 United States Sentencing Commission shall—

7 (1) ensure that there is reasonable consistency  
8 with other Federal sentencing guidelines; and

9 (2) avoid duplicative punishment for substan-  
10 tially the same offense.

11 (d) APPLICABILITY.—No Federal sentencing guide-  
12 line amendment made under this section shall apply if the  
13 Federal crime in which the body armor is used constitutes  
14 a violation of, attempted violation of, or conspiracy to vio-  
15 late the civil rights of a person by a law enforcement offi-  
16 cer acting under color of the authority of such law enforce-  
17 ment officer.

18 **SEC. 253. PROHIBITIONS RELATING TO LASER SIGHTING**  
19 **DEVICES.**

20 (a) DEFINITIONS.—In this section—

21 (1) the term “firearm” has the same meaning  
22 as in section 921 of title 18, United States Code;  
23 and

24 (2) the term “laser-sighting device” includes  
25 any device designed to be attached to a firearm that

1       uses technology, such as laser sighting, red-dot-  
2       sighting, night sighting, telescopic sighting, or other  
3       similarly effective technology, in order to enhance  
4       target acquisition.

5       (b) SENTENCING ENHANCEMENT.—Pursuant to its  
6       authority under section 994(p) of title 28, United States  
7       Code, the United States Sentencing Commission shall  
8       amend the Federal sentencing guidelines to provide an ap-  
9       propriate sentencing enhancement for any offense in which  
10      the defendant—

11           (1) possessed a firearm equipped with a laser-  
12      sighting device; or

13           (2) possessed a firearm and the defendant (or  
14      another person at the scene of the crime who was  
15      aiding in the commission of the crime) possessed a  
16      laser-sighting device (capable of being readily at-  
17      tached to the firearm).

18      (c) CONSISTENCY.—In carrying out this section, the  
19      United States Sentencing Commission shall—

20           (1) ensure that there is reasonable consistency  
21      with other Federal sentencing guidelines; and

22           (2) avoid duplicative punishment for substan-  
23      tially the same offense.

1     **Subtitle E—Rights of Victims in**  
2             **State Juvenile Courts**

3     **SEC. 261. STATE GUIDELINES.**

4         (a) IN GENERAL.—

5             (1) STATE GUIDELINES.—The Attorney General  
6         shall establish guidelines for State programs to re-  
7         quire—

8                 (A) prior to disposition of adjudicated ju-  
9             venile delinquents, that victims, or in appro-  
10         priate cases their official representatives, shall  
11         be provided the opportunity to make a state-  
12         ment to the court in person or to present any  
13         information in relation to the disposition;

14                 (B) that victims of the juvenile adjudicated  
15         delinquent be given notice of the disposition;  
16         and

17                 (C) that restitution to victims may be or-  
18         dered as part of the disposition of adjudicated  
19         juvenile delinquents.

20             (2) DEFINITION OF VICTIM.—In this section,  
21         the term “victim” means any individual against  
22         whom a crime of violence has been committed that  
23         has as an element the use, attempted use, or threat-  
24         ened use of physical force against the person or

1 property of another or by its nature involves a sub-  
2 stantial risk that physical force against the person  
3 or property of another may be used in the course of  
4 committing the offense.

5 (b) NO CAUSE OF ACTION CREATED.—Nothing in  
6 this section shall be construed to create a cause of action  
7 against any State or any agency or employee thereof.

8 (c) COMPLIANCE.—

9 (1) COMPLIANCE.—Not later than 3 years after  
10 the date of enactment of this Act, each State shall  
11 implement this section, except that the Attorney  
12 General may grant an additional 2 years to a State  
13 if the Attorney General determines that the State is  
14 making good faith efforts to implement this section.

15 (2) INELIGIBILITY FOR AMOUNTS.—

16 (A) IN GENERAL.—Beginning on the expi-  
17 ration of the period described in paragraph (1)  
18 (or such extended period as the Attorney Gen-  
19 eral may provide with respect to a State under  
20 that paragraph), during each fiscal year that  
21 any State fails to comply with this section, that  
22 State shall receive—

23 (i) not more than 90 percent of the  
24 amount that the State would otherwise re-  
25 ceive under subtitle C of this title; and



1 (ii) not more than 90 percent of the  
 2 amount that the State would otherwise re-  
 3 ceive under section 362 of title III.

4 (B) REALLOCATION OF AMOUNTS.—In  
 5 each fiscal year, any amounts that are not allo-  
 6 cated to States described in subparagraph (A)  
 7 shall be allocated to otherwise eligible States  
 8 that are in compliance with this section on a  
 9 pro rata basis.

10 **TITLE III—PREVENTION AND**  
 11 **TREATMENT OF YOUTH DRUG**  
 12 **ABUSE AND ADDICTION**

13 **Subtitle A—Protecting Youth From**  
 14 **Dangerous Drugs**

15 **SEC. 301. RESCHEDULING OF “CLUB” DRUGS.**

16 Notwithstanding section 201 or subsection (a) or (b)  
 17 of section 202 of the Controlled Substances Act (21  
 18 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of  
 19 controlled substances, the Attorney General shall, by order  
 20 add ketamine hydrochloride to schedule III of such Act.

1 **Subtitle B—Development of Medi-**  
 2 **cines for the Treatment of Drug**  
 3 **Addiction**

4 **PART 1—PHARMACOTHERAPY RESEARCH**

5 **SEC. 321. REAUTHORIZATION FOR MEDICATION DEVELOP-**  
 6 **MENT PROGRAM.**

7 Section 464P(e) of the Public Health Service Act (42  
 8 U.S.C. 285o–4(e)) is amended to read:

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 10 is authorized to be appropriated to carry out this section  
 11 such sums as may be necessary for each of the fiscal years  
 12 1998 through 2002 of which the following amount may  
 13 be appropriated from the Violent Crime Reduction Trust  
 14 Fund:

15 “(1) \$100,000,000 for fiscal year 2001; and

16 “(2) \$100,000,000 for fiscal year 2002.”.

17 **PART 2—PATENT PROTECTIONS FOR**  
 18 **PHARMACOTHERAPIES**

19 **SEC. 331. RECOMMENDATION FOR INVESTIGATION OF**  
 20 **DRUGS.**

21 Section 525(a) of the Federal Food, Drug, and Cos-  
 22 metic Act (21 U.S.C. 360aa(a)) is amended—

23 (1) by striking “States” each place it appears  
 24 and inserting “States, or for treatment of an addic-  
 25 tion to illegal drugs”; and

1           (2) by striking “such disease or condition” each  
 2           place it appears and inserting “such disease, condi-  
 3           tion, or treatment of such addiction”.

4 **SEC. 332. DESIGNATION OF DRUGS.**

5           Section 526(a) of the Federal, Food, Drug, and Cos-  
 6           metic Act (21 U.S.C. 360bb(a)) is amended—

7           (1) in paragraph (1)—

8                   (A) by inserting before the period in the  
 9                   first sentence the following: “or for treatment  
 10                  of an addiction to illegal drugs”;

11                  (B) in the third sentence, by striking “rare  
 12                  disease or condition” and inserting “rare dis-  
 13                  ease or condition, or for treatment of an addic-  
 14                  tion to illegal drugs,”; and

15                  (C) by striking “such disease or condition”  
 16                  each place it appears and inserting “such dis-  
 17                  ease, condition, or treatment of such addic-  
 18                  tion”; and

19           (2) in paragraph (2)—

20                   (A) by striking “(2) For” and inserting  
 21                   “(2)(A) For”;

22                   (B) by striking “(A) affects” and inserting  
 23                   “(i) affects”;

24                   (C) by striking “(B) affects” and inserting  
 25                   “(ii) affects”; and

1 (D) by adding at the end the following:

2 “(B) TREATMENT OF AN ADDICTION TO ILLEGAL  
3 DRUGS.—The term ‘treatment of an addiction to illegal  
4 drugs’ means any pharmacological agent or medication  
5 that—

6 “(i) reduces the craving for an illegal drug for  
7 an individual who—

8 “(I) habitually uses the illegal drug in a  
9 manner that endangers the public health, safe-  
10 ty, or welfare; or

11 “(II) is so addicted to the use of the illegal  
12 drug that the individual is not able to control  
13 the addiction through the exercise of self-con-  
14 trol;

15 “(ii) blocks the behavioral and physiological ef-  
16 fects of an illegal drug for an individual described in  
17 clause (i);

18 “(iii) safely serves as a replacement therapy for  
19 the treatment of drug abuse for an individual de-  
20 scribed in clause (i);

21 “(iv) moderates or eliminates the process of  
22 withdrawal for an individual described in clause (i);

23 “(v) blocks or reverses the toxic effect of an il-  
24 legal drug on an individual described in clause (i);  
25 or

1           “(vi) prevents, where possible, the initiation of  
2       drug abuse in individuals at high risk.

3           “(C) **ILLEGAL DRUG.**—The term ‘illegal drug’ means  
4       a controlled substance identified under schedules I, II, III,  
5       IV, and V in section 202(c) of the Controlled Substance  
6       Act (21 U.S.C. 812(c)).”.

7       **SEC. 333. PROTECTION FOR DRUGS.**

8           Section 527 of the Federal Food, Drug, and Cosmetic  
9       Act (21 U.S.C. 360cc) is amended—

10           (1) by striking “rare disease or condition” each  
11       place it appears and inserting “rare disease or con-  
12       dition or for treatment of an addiction to illegal  
13       drugs”;

14           (2) by striking “such disease or condition” each  
15       place it appears and inserting “such disease, condi-  
16       tion, or treatment of the addiction”; and

17           (3) in subsection (b)(1), by striking “the dis-  
18       ease or condition” and inserting “the disease, condi-  
19       tion, or addiction”.

20       **SEC. 334. OPEN PROTOCOLS FOR INVESTIGATIONS OF**  
21           **DRUGS.**

22           Section 528 of the Federal Food, Drug, and Cosmetic  
23       Act (21 U.S.C. 360dd) is amended—

1 (1) by striking “rare disease or condition” and  
 2 inserting “rare disease or condition or for treatment  
 3 of an addiction to illegal drugs”; and

4 (2) by striking “the disease or condition” each  
 5 place it appears and inserting “the disease, condi-  
 6 tion, or addiction”.

7 **PART 3—ENCOURAGING PRIVATE SECTOR**

8 **DEVELOPMENT OF PHARMACOTHERAPIES**

9 **SEC. 341. DEVELOPMENT, MANUFACTURE, AND PROCURE-**  
 10 **MENT OF DRUGS FOR THE TREATMENT OF**  
 11 **ADDICTION TO ILLEGAL DRUGS.**

12 Chapter V of the Federal Food, Drug, and Cosmetic  
 13 Act (21 U.S.C. 351 et seq.) is amended by adding at the  
 14 end the following:

15 **“Subchapter D—Drugs for Cocaine and**  
 16 **Heroin Addictions**

17 **“SEC. 551. CRITERIA FOR AN ACCEPTABLE DRUG TREAT-**  
 18 **MENT FOR COCAINE AND HEROIN ADDIC-**  
 19 **TIONS.**

20 “(a) IN GENERAL.—Subject to subsections (b) and  
 21 (c), the Secretary shall, through the Institute of Medicine  
 22 of the National Academy of Sciences, establish criteria for  
 23 an acceptable drug for the treatment of an addiction to  
 24 cocaine and for an acceptable drug for the treatment of  
 25 an addiction to heroin. The criteria shall be used by the

1 Secretary in making a contract, or entering into a licens-  
2 ing agreement, under section 552.

3 “(b) REQUIREMENTS.—The criteria established  
4 under subsection (a) for a drug shall include require-  
5 ments—

6 “(1) that the application to use the drug for the  
7 treatment of addiction to cocaine or heroin was filed  
8 and approved by the Secretary under this Act after  
9 the date of enactment of this section;

10 “(2) that a performance based test on the  
11 drug—

12 “(A) has been conducted through the use  
13 of a randomly selected test group that received  
14 the drug as a treatment and a randomly se-  
15 lected control group that received a placebo;  
16 and

17 “(B) has compared the long term dif-  
18 ferences in the addiction levels of control group  
19 participants and test group participants;

20 “(3) that the performance based test conducted  
21 under paragraph (2) demonstrates that the drug is  
22 effective through evidence that—

1           “(A) a significant number of the partici-  
2 pants in the test who have an addiction to co-  
3 caine or heroin are willing to take the drug for  
4 the addiction;

5           “(B) a significant number of the partici-  
6 pants in the test who have an addiction to co-  
7 caine or heroin and who were provided the drug  
8 for the addiction during the test are willing to  
9 continue taking the drug as long as necessary  
10 for the treatment of the addiction; and

11           “(C) a significant number of the partici-  
12 pants in the test who were provided the drug  
13 for the period of time required for the treat-  
14 ment of the addiction refrained from the use of  
15 cocaine or heroin for a period of 3 years after  
16 the date of the initial administration of the  
17 drug on the participants; and

18           “(4) that the drug shall have a reasonable cost  
19 of production.

20           “(c) REVIEW AND PUBLICATION OF CRITERIA.—The  
21 criteria established under subsection (a) shall, prior to the  
22 publication and application of such criteria, be submitted  
23 for review to the Committee on the Judiciary and the  
24 Committee on Economic and Educational Opportunities of  
25 the House of Representatives, and the Committee on the



1 Judiciary and the Committee on Labor and Human Re-  
 2 sources of the Senate. Not later than 90 days after notify-  
 3 ing each of the committees, the Secretary shall publish the  
 4 criteria in the Federal Register.

5 **“SEC. 552. PURCHASE OF PATENT RIGHTS FOR DRUG DE-**  
 6 **VELOPMENT.**

7 “(a) APPLICATION.—

8 “(1) IN GENERAL.—The patent owner of a drug  
 9 to treat an addiction to cocaine or heroin, may sub-  
 10 mit an application to the Secretary—

11 “(A) to enter into a contract with the Sec-  
 12 retary to sell to the Secretary the patent rights  
 13 of the owner relating to the drug; or

14 “(B) in the case in which the drug is ap-  
 15 proved by the Secretary for more than 1 indica-  
 16 tion, to enter into an exclusive licensing agree-  
 17 ment with the Secretary for the manufacture  
 18 and distribution of the drug to treat an addic-  
 19 tion to cocaine or heroin.

20 “(2) REQUIREMENTS.—An application de-  
 21 scribed in paragraph (1) shall be submitted at such  
 22 time and in such manner, and accompanied by such  
 23 information, as the Secretary may require.

24 “(b) CONTRACT AND LICENSING AGREEMENTS~~÷~~.—

1           “(1) REQUIREMENTS.—The Secretary may  
2 enter into a contract or a licensing agreement with  
3 a patent owner who has submitted an application in  
4 accordance with (a) if the drug covered under the  
5 contract or licensing agreement meets the criteria  
6 established by the Secretary under section 551(a).

7           “(2) SPECIAL RULE.—The Secretary may enter  
8 into—

9                   “(A) not more than 1 contract or exclusive  
10 licensing agreement relating to a drug for the  
11 treatment of an addiction to cocaine; and

12                   “(B) not more than 1 contract or licensing  
13 agreement relating to a drug for the treatment  
14 of an addiction to heroin.

15           “(3) COVERAGE.—A contract or licensing  
16 agreement described in subparagraph (A) or (B) of  
17 paragraph (2) shall cover not more than 1 drug.

18           “(4) PURCHASE AMOUNT.—Subject to amounts  
19 provided in advance in appropriations Acts—

20                   “(A) the amount to be paid to a patent  
21 owner who has entered into a contract or licens-  
22 ing agreement under this subsection relating to  
23 a drug to treat an addiction to cocaine shall not  
24 exceed \$100,000,000; and

1           “(B) the amount to be paid to a patent  
 2           owner who has entered into a contract or licens-  
 3           ing agreement under this subsection relating to  
 4           a drug to treat an addiction to heroin shall not  
 5           exceed \$50,000,000.

6           “(c) TRANSFER OF RIGHTS UNDER CONTRACTS AND  
 7   LICENSING AGREEMENT.—

8           “(1) CONTRACTS.—A contract under subsection  
 9           (b)(1) to purchase the patent rights relating to a  
 10          drug to treat cocaine or heroin addiction shall trans-  
 11          fer to the Secretary—

12           “(A) the exclusive right to make, use, or  
 13           sell the patented drug within the United States  
 14           for the term of the patent;

15           “(B) any foreign patent rights held by the  
 16           patent owner;

17           “(C) any patent rights relating to the proc-  
 18           ess of manufacturing the drug; and

19           “(D) any trade secret or confidential busi-  
 20           ness information relating to the development of  
 21           the drug, process for manufacturing the drug,  
 22           and therapeutic effects of the drug.

23           “(2) LICENSING AGREEMENTS.—A licensing  
 24          agreement under subsection (b)(1) to purchase an

1 exclusive license relating to manufacture and dis-  
2 tribution of a drug to treat an addiction to cocaine  
3 or heroin shall transfer to the Secretary—

4 “(A) the exclusive right to make, use, or  
5 sell the patented drug for the purpose of treat-  
6 ing an addiction to cocaine or heroin within the  
7 United States for the term of the patent;

8 “(B) the right to use any patented proc-  
9 esses relating to manufacturing the drug; and

10 “(C) any trade secret or confidential busi-  
11 ness information relating to the development of  
12 the drug, process for manufacturing the drug,  
13 and therapeutic effects of the drug relating to  
14 use of the drug to treat an addiction to cocaine  
15 or heroin.

16 **“SEC. 553. PLAN FOR MANUFACTURE AND DEVELOPMENT.**

17 “(a) IN GENERAL.—Not later than 90 days after the  
18 date on which the Secretary purchases the patent rights  
19 of a patent owner, or enters into a licensing agreement  
20 with a patent owner, relating to a drug under section 551,  
21 the Secretary shall develop a plan for the manufacture and  
22 distribution of the drug.

23 “(b) PLAN REQUIREMENTS.—The plan shall set  
24 forth—

1           “(1) procedures for the Secretary to enter into  
2       licensing agreements with private entities for the  
3       manufacture and the distribution of the drug;

4           “(2) procedures for making the drug available  
5       to nonprofit entities and private entities to use in  
6       the treatment of a cocaine or heroin addiction;

7           “(3) a system to establish the sale price for the  
8       drug; and

9           “(4) policies and procedures with respect to the  
10      use of Federal funds by State and local governments  
11      or nonprofit entities to purchase the drug from the  
12      Secretary.

13       “(c) APPLICABILITY OF PROCUREMENT AND LICENS-  
14   ING LAWS.—The procurement and licensing laws of the  
15   United States shall be applicable to procurements and li-  
16   censes covered under the plan described in subsection (a).

17       “(d) REVIEW OF PLAN.—

18           “(1) IN GENERAL.—Upon completion of the  
19      plan under subsection (a), the Secretary shall notify  
20      the Committee on the Judiciary and the Committee  
21      on Economic and Educational Opportunities of the  
22      House of Representatives, and the Committee on the  
23      Judiciary and the Committee on Labor and Human  
24      Resources of the Senate, of the development of the  
25      plan and publish the plan in the Federal Register.

1       The Secretary shall provide an opportunity for pub-  
 2       lic comment on the plan for a period of not more  
 3       than 30 days after the date of the publication of the  
 4       plan in the Federal Register.

5           “(2) FINAL PLAN.—Not later than 60 days  
 6       after the date of the expiration of the comment pe-  
 7       riod described in paragraph (1), the Secretary shall  
 8       publish in the Federal Register a final plan. The im-  
 9       plementation of the plan shall begin on the date of  
 10      the final publication of the plan.

11      “(e) CONSTRUCTION.—The development, publication,  
 12      or implementation of the plan, or any other agency action  
 13      with respect to the plan, shall not be considered agency  
 14      action subject to judicial review.

15      “(f) REGULATIONS.—The Secretary may promulgate  
 16      regulations to carry out this section.

17      **“SEC. 554. AUTHORIZATION OF APPROPRIATIONS.**

18      “‘There is authorized to be appropriated to carry out  
 19      this subchapter, such sums as may be necessary in each  
 20      of the fiscal years 1998 through 2000.’”.

## **Subtitle C—Prevention and Treatment Programs**

### **PART 1—COMPREHENSIVE DRUG EDUCATION**

#### **SEC. 351. EXTENSION OF SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM.**

Title IV of the Elementary and Secondary Education Act (20 U.S.C. 7104) is amended to read as follows:

### **“TITLE IV—AUTHORIZATIONS**

#### **“SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated for State grants under subpart 1 and national programs under subpart 2, \$655,000,000 for fiscal years 1998 through 2000, and \$955,000,000 for fiscal years 2001 through 2002, of which the following amounts may be appropriated from the Violent Crime Reduction Trust Fund:

“(1) \$300,000,000 for fiscal year 2001; and

“(2) \$300,000,000 for fiscal year 2002.”.

### **PART 2—DRUG COURTS**

#### **SEC. 361. REAUTHORIZATION OF DRUG COURTS PROGRAM.**

Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

1 (2) in subparagraph (F), by striking the period  
2 at the end and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(G) \$400,000,000 for fiscal year 2001; and

5 “(H) \$400,000,000 for fiscal year 2002.”.

6 **SEC. 362. JUVENILE DRUG COURTS.**

7 Title I of the Omnibus Crime Control and Safe  
8 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amend-  
9 ed—

10 (1) by redesignating part Y as part Z;

11 (2) by redesignating section 2501 as 2601; and

12 (3) by inserting after part X the following:

13 **“PART Y—JUVENILE DRUG COURTS**

14 **“SEC. 2501. GRANT AUTHORITY.**

15 “(a) APPROPRIATE DRUG COURT PROGRAMS.—The  
16 Attorney General may make grants to States, State  
17 courts, local courts, units of local government, and Indian  
18 tribes to establish programs that—

19 “(1) involve continuous early judicial super-  
20 vision over juvenile offenders, other than violent ju-  
21 venile offenders with substance abuse, or substance  
22 abuse-related problems; and

23 “(2) integrate administration of other sanctions  
24 and services, including—



1           “(A) mandatory periodic testing for the  
2           use of controlled substances or other addictive  
3           substances during any period of supervised re-  
4           lease or probation for each participant;

5           “(B) substance abuse treatment for each  
6           participant;

7           “(C) diversion, probation, or other super-  
8           vised release involving the possibility of prosecu-  
9           tion, confinement, or incarceration based on  
10          noncompliance with program requirements or  
11          failure to show satisfactory progress;

12          “(D) programmatic, offender management,  
13          and aftercare services such as relapse preven-  
14          tion, health care, education, vocational training,  
15          job placement, housing placement, and child  
16          care or other family support service for each  
17          participant who requires such services;

18          “(E) payment by the offender of treatment  
19          costs, to the extent practicable, such as costs  
20          for urinalysis or counseling; or

21          “(F) payment by the offender of restitu-  
22          tion, to the extent practicable, to either a victim  
23          of the offense at issue or to a restitution or  
24          similar victim support fund.

1       “(b) CONTINUED AVAILABILITY OF GRANT  
2 FUNDS.—Amounts made available under this part shall  
3 remain available until expended.

4       **“SEC. 2502. PROHIBITION OF PARTICIPATION BY VIOLENT**  
5                               **OFFENDERS.**

6       “The Attorney General shall issue regulations and  
7 guidelines to ensure that the programs authorized in this  
8 part do not permit participation by violent offenders.

9       **“SEC. 2503. DEFINITION.**

10       “In this part, the term ‘violent offender’ means an  
11 individual charged with an offense during the course of  
12 which—

13               “(1) the individual carried, possessed, or used a  
14 firearm or dangerous weapon;

15               “(2) the death of or serious bodily injury of an-  
16 other person occurred as a direct result of the com-  
17 mission of such offense; or

18               “(3) the individual used force against the per-  
19 son of another.

20       **“SEC. 2504. ADMINISTRATION.**

21       “(a) REGULATORY AUTHORITY.—the Attorney Gen-  
22 eral shall issue any regulations and guidelines necessary  
23 to carry out this part.

1       “(b) APPLICATIONS.—In addition to any other re-  
2       quirements that may be specified by the Attorney General,  
3       an application for a grant under this part shall—

4               “(1) include a long term strategy and detailed  
5       implementation plan;

6               “(2) explain the inability of the applicant to  
7       fund the program adequately without Federal assist-  
8       ance;

9               “(3) certify that the Federal support provided  
10      will be used to supplement, and not supplant, State,  
11      tribal, or local sources of funding that would other-  
12      wise be available;

13              “(4) identify related governmental or commu-  
14      nity initiatives that complement or will be coordi-  
15      nated with the proposal;

16              “(5) certify that there has been appropriate  
17      consultation with all affected agencies and that there  
18      will be appropriate coordination with all affected  
19      agencies in the implementation of the program;

20              “(6) certify that participating offenders will be  
21      supervised by one or more designated judges with re-  
22      sponsibility for the drug court program;

23              “(7) specify plans for obtaining necessary sup-  
24      port and continuing the proposed program following  
25      the conclusion of Federal support; and

1           “(8) describe the methodology that will be used  
2           in evaluating the program.

3   **“SEC. 2505. APPLICATIONS.**

4           “To request funds under this part, the chief executive  
5   or the chief justice of a State, or the chief executive or  
6   chief judge of a unit of local government or Indian tribe  
7   shall submit an application to the Attorney General in  
8   such form and containing such information as the Attor-  
9   ney General may reasonably require.

10   **“SEC. 2506. FEDERAL SHARE.**

11           “(a) IN GENERAL.—The Federal share of a grant  
12   made under this part may not exceed 75 percent of the  
13   total costs of the program described in the application sub-  
14   mitted under section 2505 for the fiscal year for which  
15   the program receives assistance under this part.

16           “(b) WAIVER.—The Attorney General may waive, in  
17   whole or in part, the requirement of a matching contribu-  
18   tion under subsection (a).

19           “(c) IN-KIND CONTRIBUTIONS.—In-kind contribu-  
20   tions may constitute a portion of the non-Federal share  
21   of a grant under this part.

22   **“SEC. 2507. DISTRIBUTION OF FUNDS.**

23           “(a) GEOGRAPHICAL DISTRIBUTION.—The Attorney  
24   General shall ensure that, to the extent practicable, an eq-  
25   uitable geographic distribution of grant awards is made.

1           “(b) INDIAN TRIBES.—The Attorney General shall  
2 allocate 0.75 percent of amounts made available under  
3 this subtitle for grants to Indian tribes.

4 "SEC. 2508. REPORT.

5       “A State, Indian tribe, or unit of local government  
6 that receives funds under this part during a fiscal year  
7 shall submit to the Attorney General, in March of the year  
8 following receipt of a grant under this part, a report re-  
9 garding the effectiveness of programs established pursu-  
10 ant to this part.

11 “SEC. 2509. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-  
12 UATION.

13           “(a) TECHNICAL ASSISTANCE AND TRAINING.—The  
14 Attorney General may provide technical assistance and  
15 training in furtherance of the purposes of this part.

16       “(b) EVALUATIONS.—In addition to any evaluation  
17 requirements that may be prescribed for grantees, the At-  
18 torney General may carry out or make arrangements for  
19 evaluations of programs that receive support under this  
20 part.

“(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services,

1 or through grants, contracts, or other cooperative arrange-  
 2 ments with other entities.

3 **“SEC. 2510. UNAWARDED FUNDS.**

4 “The Attorney General may reallocate any grant  
 5 funds that are not awarded for juvenile drug courts under  
 6 this part for use for other juvenile delinquency and crime  
 7 prevention initiatives.

8 **“SEC. 2511. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated to carry out  
 10 this part from the Violent Crime Reduction Trust Fund—

11 “(1) such sums as may be necessary for each  
 12 of the fiscal years 1998, 1999, and 2000;

13 “(2) \$50,000,000 for fiscal year 2001; and

14 “(3) \$50,000,000 for fiscal year 2002.”.

15 **PART 3—DRUG TREATMENT**

16 **SEC. 371. DRUG TREATMENT FOR JUVENILES.**

17 Title V of the Public Health Service Act (42 U.S.C.  
 18 290aa et seq.) is amended by adding at the end the follow-  
 19 ing:

20 **“PART G—RESIDENTIAL TREATMENT PROGRAMS**  
 21 **FOR JUVENILES**

22 **“SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JU-**  
 23 **VENILES.**

24 “(a) IN GENERAL.—The Director of the Center for  
 25 Substance Abuse Treatment shall award grants to, or

1 enter into cooperative agreements or contracts, with public  
 2 and nonprofit private entities for the purpose of providing  
 3 treatment to juveniles for substance abuse through pro-  
 4 grams in which, during the course of receiving such treat-  
 5 ment the juveniles reside in facilities made available by  
 6 the programs.

7 “(b) AVAILABILITY OF SERVICES FOR EACH PARTIC-  
 8 IPANT.—A funding agreement for an award under sub-  
 9 section (a) for an applicant is that, in the program oper-  
 10 ated pursuant to such subsection—

11 “(1) treatment services will be available  
 12 through the applicant, either directly or through  
 13 agreements with other public or nonprofit private  
 14 entities; and

15 “(2) the services will be made available to each  
 16 person admitted to the program.

17 “(c) INDIVIDUALIZED PLAN OF SERVICES.—A fund-  
 18 ing agreement for an award under subsection (a) for an  
 19 applicant is that—

20 “(1) in providing authorized services for an eli-  
 21 gible person pursuant to such subsection, the appli-  
 22 cant will, in consultation with the juvenile and, if ap-  
 23 propriate the parent or guardian of the juvenile, pre-  
 24 pare an individualized plan for the provision to the  
 25 juvenile or young adult of the services; and

1           “(2) treatment services under the plan will in-  
2       clude—

3           “(A) individual, group, and family counsel-  
4       ing, as appropriate, regarding substance abuse;  
5       and

6           “(B) followup services to assist the juvenile  
7       or young adult in preventing a relapse into such  
8       abuse.

9       “(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants  
10   under subsection (a) may be used to provide an eligible  
11   juvenile, the following services:

12           “(1) HOSPITAL REFERRALS.—Referrals for nec-  
13       essary hospital services.

14           “(2) HIV AND AIDS COUNSELING.—Counseling  
15       on the human immunodeficiency virus and on ac-  
16       quired immune deficiency syndrome.

17           “(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE  
18       COUNSELING.—Counseling on domestic violence and  
19       sexual abuse.

20           “(4) PREPARATION FOR REENTRY INTO SOCI-  
21       ETY.—Planning for and counseling to assist reentry  
22       into society, both before and after discharge, includ-  
23       ing referrals to any public or nonprofit private enti-  
24       ties in the community involved that provide services  
25       appropriate for the juvenile.



1       “(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF  
2 AWARD.—

3               “(1) CERTIFICATION BY RELEVANT STATE  
4 AGENCY.—With respect to the principal agency of a  
5 State or Indian tribe that administers programs re-  
6 lating to substance abuse, the Director may award  
7 a grant to, or enter into a cooperative agreement or  
8 contract with, an applicant only if the agency or In-  
9 dian tribe has certified to the Director that—

10               “(A) the applicant has the capacity to  
11 carry out a program described in subsection (a);

12               “(B) the plans of the applicant for such a  
13 program are consistent with the policies of such  
14 agency regarding the treatment of substance  
15 abuse; and

16               “(C) the applicant, or any entity through  
17 which the applicant will provide authorized  
18 services, meets all applicable State licensure or  
19 certification requirements regarding the provi-  
20 sion of the services involved.

21               “(2) STATUS AS MEDICAID PROVIDER.—

22               “(A) IN GENERAL.—Subject to subpara-  
23 graphs (B) and (C), the Director may make a  
24 grant, or enter into a cooperative agreement or  
25 contract, under subsection (a) only if, in the

1 case of any authorized service that is available  
 2 pursuant to the State plan approved under title  
 3 XIX of the Social Security Act (42 U.S.C. 1396  
 4 et seq.) for the State involved—

5 “(i) the applicant for the grant, coop-  
 6 erative agreement, or contract will provide  
 7 the service directly, and the applicant has  
 8 entered into a participation agreement  
 9 under the State plan and is qualified to re-  
 10 ceive payments under such plan; or

11 “(ii) the applicant will enter into an  
 12 agreement with a public or nonprofit pri-  
 13 vate entity under which the entity will pro-  
 14 vide the service, and the entity has entered  
 15 into such a participation agreement plan  
 16 and is qualified to receive such payments.

17 “(B) SERVICES.—

18 “(i) IN GENERAL.—In the case of an  
 19 entity making an agreement pursuant to  
 20 subparagraph (A)(ii) regarding the provi-  
 21 sion of services, the requirement estab-  
 22 lished in such subparagraph regarding a  
 23 participation agreement shall be waived by  
 24 the Director if the entity does not, in pro-  
 25 viding health care services, impose a

1 charge or accept reimbursement available  
2 from any third party payor, including re-  
3 imbursement under any insurance policy or  
4 under any Federal or State health benefits  
5 plan.

6 “(ii) VOLUNTARY DONATIONS.—A de-  
7 termination by the Director of whether an  
8 entity referred to in clause (i) meets the  
9 criteria for a waiver under such clause  
10 shall be made without regard to whether  
11 the entity accepts voluntary donations re-  
12 garding the provision of services to the  
13 public.

14 “(C) MENTAL DISEASES.—

15 “(i) IN GENERAL.—With respect to  
16 any authorized service that is available  
17 pursuant to the State plan described in  
18 subparagraph (A), the requirements estab-  
19 lished in such subparagraph shall not  
20 apply to the provision of any such service  
21 by an institution for mental diseases to an  
22 individual who has attained 21 years of  
23 age and who has not attained 65 years of  
24 age.

1                   “(ii) DEFINITION OF INSTITUTION  
2                   FOR MENTAL DISEASES.—In this subpara-  
3                   graph, the term ‘institution for mental dis-  
4                   eases’ has the same meaning as in section  
5                   1905(i) of the Social Security Act (42  
6                   U.S.C. 1396d(i)).

7                   “(f) REQUIREMENTS FOR MATCHING FUNDS.—

8                   “(1) IN GENERAL.—With respect to the costs of  
9                   the program to be carried out by an applicant pursu-  
10                  ant to subsection (a), a funding agreement for an  
11                  award under such subsection is that the applicant  
12                  will make available (directly or through donations  
13                  from public or private entities) non-Federal con-  
14                  tributions toward such costs in an amount that—

15                  “(A) for the first fiscal year for which the  
16                  applicant receives payments under an award  
17                  under such subsection, is not less than \$1 for  
18                  each \$9 of Federal funds provided in the  
19                  award;

20                  “(B) for any second such fiscal year, is not  
21                  less than \$1 for each \$9 of Federal funds pro-  
22                  vided in the award; and

23                  “(C) for any subsequent such fiscal year, is  
24                  not less than \$1 for each \$3 of Federal funds  
25                  provided in the award.

1           “(2) DETERMINATION OF AMOUNT CONTRIB-  
2           UTED.—Non-Federal contributions required in para-  
3           graph (1) may be in cash or in kind, fairly evalu-  
4           ated, including plant, equipment, or services.  
5           Amounts provided by the Federal Government, or  
6           services assisted or subsidized to any significant ex-  
7           tent by the Federal Government, may not be in-  
8           cluded in determining the amount of such non-Fed-  
9           eral contributions.

10          “(g) OUTREACH.—A funding agreement for an award  
11          under subsection (a) for an applicant is that the applicant  
12          will provide outreach services in the community involved  
13          to identify juveniles who are engaging in substance abuse  
14          and to encourage the juveniles to undergo treatment for  
15          such abuse.

16          “(h) ACCESSIBILITY OF PROGRAM.—A funding  
17          agreement for an award under subsection (a) for an appli-  
18          cant is that the program operated pursuant to such sub-  
19          section will be operated at a location that is accessible to  
20          low income juveniles.

21          “(i) CONTINUING EDUCATION.—A funding agree-  
22          ment for an award under subsection (a) is that the appli-  
23          cant involved will provide for continuing education in  
24          treatment services for the individuals who will provide

1 treatment in the program to be operated by the applicant  
 2 pursuant to such subsection.

3 “(j) IMPOSITION OF CHARGES.—A funding agree-  
 4 ment for an award under subsection (a) for an applicant  
 5 is that, if a charge is imposed for the provision of author-  
 6 ized services to or on behalf of an eligible juvenile, such  
 7 charge—

8 “(1) will be made according to a schedule of  
 9 charges that is made available to the public;

10 “(2) will be adjusted to reflect the economic  
 11 condition of the juvenile involved; and

12 “(3) will not be imposed on any such juvenile  
 13 whose family has an income of less than 185 percent  
 14 of the official poverty line, as established by the Di-  
 15 rector of the Office for Management and Budget  
 16 and revised by the Secretary in accordance with sec-  
 17 tion 673(2) of the Omnibus Budget Reconciliation  
 18 Act of 1981 (42 U.S.C. 9902(2)).

19 “(k) REPORTS TO DIRECTOR.—A funding agreement  
 20 for an award under subsection (a) is that the applicant  
 21 involved will submit to the Director a report—

22 “(1) describing the utilization and costs of serv-  
 23 ices provided under the award;

24 “(2) specifying the number of juveniles served,  
 25 and the type and costs of services provided; and

1           “(3) providing such other information as the  
2           Director determines to be appropriate.

3           “(l) REQUIREMENT OF APPLICATION.—The Director  
4           may make an award under subsection (a) only if an appli-  
5           cation for the award is submitted to the Director contain-  
6           ing such agreements, and the application is in such form,  
7           is made in such manner, and contains such other agree-  
8           ments and such assurances and information as the Direc-  
9           tor determines to be necessary to carry out this section.

10          “(m) EQUITABLE ALLOCATION OF AWARDS.—In  
11          making awards under subsection (a), the Director shall  
12          ensure that the awards are equitably allocated among the  
13          principal geographic regions of the United States, as well  
14          as among Indian tribes, subject to the availability of quali-  
15          fied applicants for the awards.

16          “(n) DURATION OF AWARD.—

17                 “(1) IN GENERAL.—The period during which  
18                 payments are made to an entity from an award  
19                 under this section may not exceed 5 years.

20                 “(2) APPROVAL OF DIRECTOR.—The provision  
21                 of payments described in paragraph (1) shall be sub-  
22                 ject to—

23                         “(A) annual approval by the Director of  
24                         the payments; and

1           “(B) the availability of appropriations for  
2           the fiscal year at issue to make the payments.

3           “(3) NO LIMITATION.—This subsection may not  
4           be construed to establish a limitation on the number  
5           of awards that may be made to an entity under this  
6           section.

7           “(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—  
8           The Director shall, directly or through contract, provide  
9           for the conduct of evaluations of programs carried out  
10          pursuant to subsection (a). The Director shall disseminate  
11          to the States the findings made as a result of the evalua-  
12          tions.

13          “(p) REPORTS TO CONGRESS.—

14                 “(1) INITIAL REPORT.—Not later than October  
15                 1, 1998, the Director shall submit to the Committee  
16                 on the Judiciary of the House of Representatives,  
17                 and to the Committee on the Judiciary of the Sen-  
18                 ate, a report describing programs carried out pursu-  
19                 ant to this section.

20                 “(2) PERIODIC REPORTS.—

21                         “(A) IN GENERAL.—Not less than bienni-  
22                         ally after the date described in paragraph (1),  
23                         the Director shall prepare a report describing  
24                         programs carried out pursuant to this section  
25                         during the preceding 2-year period, and shall



1 submit the report to the Administrator for in-  
 2 clusion in the biennial report under section  
 3 501(k).

4 “(B) SUMMARY.—Each report under this  
 5 subsection shall include a summary of any eval-  
 6 uations conducted under subsection (m) during  
 7 the period with respect to which the report is  
 8 prepared.

9 “(q) DEFINITIONS.—In this section:

10 “(1) AUTHORIZED SERVICES.—The term ‘au-  
 11 thorized services’ means treatment services and sup-  
 12 plemental services.

13 “(2) JUVENILE.—The term ‘juvenile’ means  
 14 anyone 18 years of age or younger at the time that  
 15 of admission to a program operated pursuant to sub-  
 16 section (a).

17 “(3) ELIGIBLE JUVENILE.—The term ‘eligible  
 18 juvenile’ means a juvenile who has been admitted to  
 19 a program operated pursuant to subsection (a).

20 “(4) FUNDING AGREEMENT UNDER SUB-  
 21 SECTION (A).—The term ‘funding agreement under  
 22 subsection (a)’, with respect to an award under sub-  
 23 section (a), means that the Director may make the  
 24 award only if the applicant makes the agreement in-  
 25 volved.

1           “(5) TREATMENT SERVICES.—The term ‘treat-  
2           ment services’ means treatment for substance abuse,  
3           including the counseling and services described in  
4           subsection (c)(2).

5           “(6) SUPPLEMENTAL SERVICES.—The term  
6           ‘supplemental services’ means the services described  
7           in subsection (d).

8           “(r) AUTHORIZATION OF APPROPRIATIONS.—

9           “(1) IN GENERAL.—For the purpose of carry-  
10          ing out this section and section 576 there is author-  
11          ized to be appropriated such sums as may be nec-  
12          essary for fiscal years 1998, 1999, and 2000. There  
13          is authorized to be appropriated from the Violent  
14          Crime Reduction Trust Fund \$300,000,000 in each  
15          of the fiscal years 2001 and 2002.

16          “(2) TRANSFER.—For the purpose described in  
17          paragraph (1), in addition to the amounts author-  
18          ized in such paragraph to be appropriated for a fis-  
19          cal year, there is authorized to be appropriated for  
20          the fiscal year from the special forfeiture fund of the  
21          Director of the Office of National Drug Control Pol-  
22          icy such sums as may be necessary.

23          “(3) RULE OF CONSTRUCTION.—The amounts  
24          authorized in this subsection to be appropriated are  
25          in addition to any other amounts that are authorized

1 to be appropriated and are available for the purpose  
2 described in paragraph (1).

3 **“SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVE-**  
4 **NILES.**

5 “(a) GRANTS.—The Secretary of Health and Human  
6 Services, acting through the Director of the Center for  
7 Substance Abuse Treatment, shall make grants to estab-  
8 lish projects for the outpatient treatment of substance  
9 abuse among juveniles.

10 “(b) PREVENTION.—Entities receiving grants under  
11 this section shall engage in activities to prevent substance  
12 abuse among juveniles.

13 “(c) EVALUATION.—The Secretary of Health and  
14 Human Services shall evaluate projects carried out under  
15 subsection (a) and shall disseminate to appropriate public  
16 and private entities information on effective projects.”.

17 **Subtitle D—National Drug Control**  
18 **Policy**

19 **SEC. 381. REAUTHORIZATION OF OFFICE OF NATIONAL**  
20 **DRUG CONTROL POLICY.**

21 (a) REAUTHORIZATION.—Section 1009 of the Na-  
22 tional Narcotics Leadership Act of 1988 (21 U.S.C. 1506)  
23 is amended by striking “1997” and inserting “2002”.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
25 1011 of the National Narcotics Leadership Act of 1988

1 (21 U.S.C. 1508) is amended by striking “8” and insert-  
2 ing “13”.

3 **SEC. 382. STUDY ON EFFECTS OF CALIFORNIA AND ARI-**  
4 **ZONA DRUG INITIATIVES.**

5 (a) DEFINITION.—In this section, the term “con-  
6 trolled substance” has the same meaning as in section 102  
7 of the Controlled Substances Act (21 U.S.C. 802).

8 (b) STUDY.—The Director of National Drug Control  
9 Policy, in consultation with the Attorney General and the  
10 Secretary of Health and Human Services, shall conduct  
11 a study on the effect of the 1996 voter referenda in Cali-  
12 fornia and Arizona concerning the medicinal use of mari-  
13 juana and other controlled substances, respectively, on—

14 (1) marijuana usage in Arizona and California;

15 (2) usage of other controlled substances in Ari-  
16 zona and California;

17 (3) perceptions of youth of the dangerousness  
18 of marijuana and other controlled substances in Ari-  
19 zona and California;

20 (4) emergency room admissions for drug abuse  
21 in Arizona and California;

22 (5) seizures of controlled substances in Arizona  
23 and California;

24 (6) arrest rates for use of controlled substances  
25 in Arizona and California;

1           (7) arrest rates for trafficking of controlled  
2 substances in Arizona and California;

3           (8) conviction rates in cases concerning use of  
4 controlled substances in Arizona and California; and

5           (9) conviction rates in jury trials concerning use  
6 of controlled substances in Arizona and California.

7       (c) REPORT.—Not later than January 1, 1998, the  
8 Director of National Drug Policy, in consultation with the  
9 Attorney General and the Secretary of Health and Human  
10 Services, shall—

11           (1) issue a report on the results of the study  
12 under subsection (b); and

13           (2) submit a copy of the report to the Commit-  
14 tees on the Judiciary of the House of Representa-  
15 tives and the Senate.

16       (d) AUTHORIZATIONS.—There are authorized to be  
17 appropriated to carry out this section such sums as may  
18 be necessary for each of the fiscal years 1998 and 1999.

## 19   **Subtitle E—Penalty Enhancements**

### 20   **SEC. 391. INCREASED PENALTIES FOR USING FEDERAL** 21                   **PROPERTY TO GROW OR MANUFACTURE** 22                   **CONTROLLED SUBSTANCES.**

23       (a) IN GENERAL.—Section 401(b)(5) of the Con-  
24 trolled Substances Act (21 U.S.C. 841(b)(5)) is amended  
25 to read as follows:

1           “(5) OFFENSES ON FEDERAL PROPERTY.—Any  
2           person who violates subsection (a) by cultivating or  
3           manufacturing a controlled substance on any prop-  
4           erty in whole or in part owned by or leased to the  
5           United States or any department or agency thereof  
6           shall be subject to twice the maximum punishment  
7           otherwise authorized for the offense.”.

8           (b) SENTENCING ENHANCEMENT.—Pursuant to its  
9           authority under section 994(p) of title 28, United States  
10          Code, the United States Sentencing Commission shall  
11          amend the Federal sentencing guidelines to provide an ap-  
12          propriate enhancement to ensure that violations of section  
13          401(b)(5) of the Controlled Substances Act are punished  
14          substantially more severely than violations that do not  
15          occur on Federal property.

16          (c) CONSISTENCY.—In carrying out this subsection,  
17          the United States Sentencing Commission shall—

18                (1) ensure that there is reasonable consistency  
19                with other Federal sentencing guidelines; and

20                (2) avoid duplicative punishment for substan-  
21                tially the same offense.

1 **SEC. 392. TECHNICAL CORRECTION TO ENSURE COMPLI-**  
2 **ANCE OF FEDERAL SENTENCING GUIDELINES**  
3 **WITH FEDERAL LAW.**

4 Section 994(a) of title 28, United States Code, is  
5 amended by striking “consistent with all pertinent provi-  
6 sions of this title and title 18, United States Code,” and  
7 inserting “consistent with all pertinent provisions of Fed-  
8 eral law”.

9 **TITLE IV—PROTECTING YOUTH**  
10 **FROM VIOLENT CRIME**  
11 **Subtitle A—Grants for Youth**  
12 **Organizations**

13 **SEC. 401. GRANT PROGRAM.**

14 The Attorney General may make grants to States, In-  
15 dian tribes, and national nonprofit organizations in crime  
16 prone areas, such as Boys and Girls Clubs, Police Athletic  
17 Leagues, 4-H Clubs, D.A.R.E. America, and Kids ’N  
18 Kops programs, for the purpose of—

19 (1) providing constructive activities to youth  
20 during after school hours, weekends, and school va-  
21 cations to prevent the criminal victimization of pro-  
22 gram participants;

23 (2) providing supervised activities in safe envi-  
24 ronments to youth in crime prone areas;

25 (3) providing antidrug education to prevent  
26 drug abuse among youth;

1           (4) supporting police officer training and sala-  
2       ries and educational materials to expand D.A.R.E.  
3       America's middle school campaign; or

4           (5) providing constructive activities to youth in  
5       a safe environment through parks and other public  
6       recreation areas.

7       **SEC. 402. GRANTS TO NATIONAL ORGANIZATIONS.**

8       (a) APPLICATIONS.—

9           (1) ELIGIBILITY.—In order to be eligible to re-  
10      ceive a grant under this section, the chief operating  
11      officer of a national community-based organization  
12      shall submit an application to the Attorney General  
13      in such form and containing such information as the  
14      Attorney General may reasonably require.

15          (2) APPLICATION REQUIREMENTS.—Each appli-  
16      cation submitted in accordance with paragraph (1)  
17      shall include—

18           (A) a request for a grant to be used for  
19      the purposes described in this subtitle;

20           (B) a description of the communities to be  
21      served by the grant, including the nature of ju-  
22      venile crime, violence, and drug use in the com-  
23      munities;



1 (C) written assurances that Federal funds  
2 received under this subtitle will be used to sup-  
3 plement and not supplant, non-Federal funds  
4 that would otherwise be available for activities  
5 funded under this subtitle;

6 (D) written assurances that all activities  
7 will be supervised by an appropriate number of  
8 responsible adults;

9 (E) a plan for assuring that program ac-  
10 tivities will take place in a secure environment  
11 that is free of crime and drugs; and

12 (F) any additional statistical or financial  
13 information that the Attorney General may rea-  
14 sonably require.

15 (b) GRANT AWARDS.—In awarding grants under this  
16 section, the Attorney General shall consider—

17 (1) the ability of the applicant to provide the  
18 stated services;

19 (2) the history and establishment of the appli-  
20 cant in providing youth activities on a nationwide  
21 basis; and

22 (3) the extent to which the organizations shall  
23 achieve an equitable geographic distribution of the  
24 grant awards.

1 **SEC. 403. GRANTS TO STATES.**

2 (a) APPLICATIONS.—

3 (1) IN GENERAL.—The Attorney General may  
4 make grants under this section to States for dis-  
5 tribution to units of local government and commu-  
6 nity-based organizations for the purposes set forth  
7 in section 401.

8 (2) GRANTS.—To request a grant under this  
9 section, the chief executive of a State shall submit  
10 an application to the Attorney General in such form  
11 and containing such information as the Attorney  
12 General may reasonably require.

13 (3) APPLICATION REQUIREMENTS.—Each appli-  
14 cation submitted in accordance with paragraph (2)  
15 shall include—

16 (A) a request for a grant to be used for  
17 the purposes described in this subtitle;

18 (B) a description of the communities to be  
19 served by the grant, including the nature of ju-  
20 venile crime, violence, and drug use in the com-  
21 munity;

22 (C) written assurances that Federal funds  
23 received under this subtitle will be used to sup-  
24 plement and not supplant, non-Federal funds  
25 that would otherwise be available for activities  
26 funded under this subtitle;

1 (D) written assurances that all activities  
2 will be supervised by an appropriate number of  
3 responsible adults; and

4 (E) a plan for assuring that program ac-  
5 tivities will take place in a secure environment  
6 that is free of crime and drugs.

7 (b) GRANT AWARDS.—In awarding grants under this  
8 section, the State shall consider—

9 (1) the ability of the applicant to provide the  
10 stated services;

11 (2) the history and establishment of the appli-  
12 cant in the community to be served;

13 (3) the level of juvenile crime, violence, and  
14 drug use in the community;

15 (4) the extent to which structured extra-  
16 curricular activities for youth are otherwise unavail-  
17 able in the community;

18 (5) the need in the community for secure envi-  
19 ronments for youth to avoid criminal victimization  
20 and exposure to crime and illegal drugs;

21 (6) to the extent practicable, achievement of an  
22 equitable geographic distribution of the grant  
23 awards; and

24 (7) whether the applicant has an established  
25 record of providing extracurricular activities that are

1 generally not otherwise available to youth in the  
2 community.

3 (c) ALLOCATION.—

4 (1) STATE ALLOCATIONS.—The Attorney Gen-  
5 eral shall allot not less than 0.75 percent of the total  
6 amount made available each fiscal year to carry out  
7 this section to each State that has applied for a  
8 grant under this section.

9 (2) INDIAN TRIBES.—The Attorney General  
10 shall allot not less than 0.75 percent of the total  
11 amount made available each fiscal year to carry out  
12 this section to Indian tribes, in accordance with the  
13 criteria set forth in subsections (a) and (b).

14 (3) REMAINING AMOUNTS.—Of the amount re-  
15 maining after the allocations under paragraphs (1)  
16 and (2), the Attorney General shall allocate to each  
17 State an amount that bears the same ratio to the  
18 total amount of remaining funds as the population  
19 of the State bears to the total population of all  
20 States.

21 **SEC. 404. ALLOCATION; GRANT LIMITATION.**

22 (a) ALLOCATION.—Of amounts made available to  
23 carry out this subtitle—

24 (1) 20 percent shall be for grants to national  
25 organizations under section 402; and

1           (2) 80 percent shall be for grants to States  
2       under section 403.

3       (b) GRANT LIMITATION.—Not more than 3 percent  
4 of the funds made available to the Attorney General or  
5 a grant recipient under this subtitle may be used for ad-  
6 ministrative purposes.

7 **SEC. 405. REPORT AND EVALUATION.**

8       (a) REPORT TO THE ATTORNEY GENERAL.—Not  
9 later than October 1, 1998, and October 1 of each year  
10 thereafter, each grant recipient under this subtitle shall  
11 submit to the Attorney General a report that describes,  
12 for the year to which the report relates—

13           (1) the activities provided;

14           (2) the number of youth participating;

15           (3) the extent to which the grant enabled the  
16 provision of activities to youth that would not other-  
17 wise be available; and

18           (4) any other information that the Attorney  
19 General requires for evaluating the effectiveness of  
20 the program.

21       (b) EVALUATION AND REPORT TO CONGRESS.—Not  
22 later than March 1, 1999, and March 1 of each year there-  
23 after, the Attorney General shall submit to the Congress

1 an evaluation and report that contains a detailed state-  
2 ment regarding grant awards, activities of grant recipi-  
3 ents, a compilation of statistical information submitted by  
4 grant recipients under this subtitle, and an evaluation of  
5 programs established by grant recipients under this sub-  
6 title.

7 (c) CRITERIA.—In assessing the effectiveness of the  
8 programs established and operated by grant recipients  
9 pursuant to this subtitle, the Attorney General shall con-  
10 sider—

11 (1) the number of youth served by the grant re-  
12 cipient;

13 (2) the percentage of youth participating in the  
14 program charged with acts of delinquency or crime  
15 compared to youth in the community at large;

16 (3) the percentage of youth participating in the  
17 program that uses drugs compared to youth in the  
18 community at large;

19 (4) the percentage of youth participating in the  
20 program that are victimized by acts of crime or de-  
21 linquency compared to youth in the community at  
22 large; and

23 (5) the truancy rates of youth participating in  
24 the program compared to youth in the community at  
25 large.

1 (d) DOCUMENTS AND INFORMATION.—Each grant  
 2 recipient under this subtitle shall provide the Attorney  
 3 General with all documents and information that the At-  
 4 torney General determines to be necessary to conduct an  
 5 evaluation of the effectiveness of programs funded under  
 6 this subtitle.

7 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-  
 9 priated to carry out this subtitle from the Violent Crime  
 10 Reduction Trust Fund—

11 (1) such sums as may be necessary for each of  
 12 the fiscal years 1998 through 2000;

13 (2) for fiscal year 2001, \$125,000,000; and

14 (3) for fiscal year 2002, \$125,000,000.

15 (b) CONTINUED AVAILABILITY.—Amounts made  
 16 available under this subtitle shall remain available until  
 17 expended.

18 **Subtitle B—“Say No to Drugs”**  
 19 **Community Centers Act of 1997**

20 **SEC. 421. SHORT TITLE; DEFINITIONS.**

21 (a) SHORT TITLE.—This subtitle may be cited as the  
 22 “Say No to Drugs Community Centers Act of 1997”.

23 (b) DEFINITIONS.—For purposes of this subtitle—

24 (1) the term “community-based organization”  
 25 means a private, locally initiated organization that—

1 (A) is a nonprofit organization, as that  
 2 term is defined in section 103(23) of the Juve-  
 3 nile Justice and Delinquency Prevention Act of  
 4 1974 (42 U.S.C. 5603(23)); and

5 (B) involves the participation, as appro-  
 6 priate, of members of the community and com-  
 7 munity institutions, including—

8 (i) business and civic leaders actively  
 9 involved in providing employment and busi-  
 10 ness development opportunities in the com-  
 11 munity;

12 (ii) educators;

13 (iii) religious organizations (which  
 14 shall not provide any sectarian instruction  
 15 or sectarian worship in connection with  
 16 program activities funded under this sub-  
 17 title);

18 (iv) law enforcement agencies; and

19 (v) other interested parties;

20 (2) the term “eligible community” means a  
 21 community—

22 (A) identified by an eligible recipient for  
 23 assistance under this subtitle; and

24 (B) an area that meets such criteria as the  
 25 Attorney General may, by regulation, establish,



1 including criteria relating to poverty, juvenile  
2 delinquency, and crime;

3 (3) the term “eligible recipient” means a com-  
4 munity-based organization or public school that  
5 has—

6 (A) been approved for eligibility by the At-  
7 torney General, upon application submitted to  
8 the Attorney General in accordance with section  
9 412(b); and

10 (B) demonstrated that the projects and ac-  
11 tivities it seeks to support in an eligible commu-  
12 nity involve the participation, when feasible and  
13 appropriate, of—

14 (i) parents, family members, and  
15 other members of the eligible community;

16 (ii) civic and religious organizations  
17 serving the eligible community;

18 (iii) school officials and teachers em-  
19 ployed at schools located in the eligible  
20 community;

21 (iv) public housing resident organiza-  
22 tions in the eligible community; and

23 (v) public and private nonprofit orga-  
24 nizations and organizations serving youth  
25 that provide education, child protective

1 services, or other human services to low in-  
 2 come, at-risk youth and their families;

3 (4) the term “poverty line” means the income  
 4 official poverty line (as defined by the Office of Man-  
 5 agement and Budget, and revised annually in ac-  
 6 cordance with section 673(2) of the Community  
 7 Services Block Grant Act (42 U.S.C. 9902(2)) appli-  
 8 cable to a family of the size involved; and

9 (5) the term “public school” means a public ele-  
 10 mentary school, as defined in section 1201(i) of the  
 11 Higher Education Act of 1965 (20 U.S.C. 1141(i)),  
 12 and a public secondary school, as defined in section  
 13 1201(d) of that Act (42 U.S.C. 1141(d)).

14 **SEC. 422. GRANT REQUIREMENTS.**

15 (a) IN GENERAL.—The Attorney General may make  
 16 grants to eligible recipients, which grants may be used to  
 17 provide to youth living in eligible communities during after  
 18 school hours or summer vacations, the following services:

19 (1) Rigorous drug prevention education.

20 (2) Drug counseling and treatment.

21 (3) Academic tutoring and mentoring.

22 (4) Activities promoting interaction between  
 23 youth and law enforcement officials.

24 (5) Vaccinations and other basic preventive  
 25 health care.

1 (6) Sexual abstinence education.

2 (7) Other activities and instruction to reduce  
3 youth violence and substance abuse.

4 (b) LOCATION AND USE OF AMOUNTS.—An eligible  
5 recipient that receives a grant under this subtitle—

6 (1) shall ensure that the stated program is car-  
7 ried out—

8 (A) when appropriate, in the facilities of a  
9 public school during nonschool hours; or

10 (B) in another appropriate local facility  
11 that is—

12 (i) in a location easily accessible to  
13 youth in the community; and

14 (ii) in compliance with all applicable  
15 State and local ordinances;

16 (2) shall use the grant amounts to provide to  
17 youth in the eligible community services and activi-  
18 ties that include extracurricular and academic pro-  
19 grams that are offered—

20 (A) after school and on weekends and holi-  
21 days, during the school year; and

22 (B) as daily full day programs (to the ex-  
23 tent available resources permit) or as part day  
24 programs, during the summer months;

1           (3) shall use not more than 5 percent of the  
2           amounts to pay for the administrative costs of the  
3           program;

4           (4) shall not use such amounts to provide sec-  
5           tarian worship or sectarian instruction; and

6           (5) may not use the amounts for the general  
7           operating costs of public schools.

8           (c) APPLICATIONS.—

9           (1) IN GENERAL.—Each application to become  
10          an eligible recipient shall be submitted to the Attor-  
11          ney General at such time, in such manner, and ac-  
12          companied by such information, as the Attorney  
13          General may reasonably require.

14          (2) CONTENTS OF APPLICATION.—Each appli-  
15          cation submitted pursuant to paragraph (1) shall—

16                (A) describe the activities and services to  
17                be provided through the program for which the  
18                grant is sought;

19                (B) contain a comprehensive plan for the  
20                program that is designed to achieve identifiable  
21                goals for youth in the eligible community;

22                (C) describe in detail the drug education  
23                and drug prevention programs that will be im-  
24                plemented;

1 (D) specify measurable goals and outcomes  
2 for the program that will include—

3 (i) reducing the percentage of youth  
4 in the eligible community that enter the ju-  
5 venile justice system or become addicted to  
6 drugs;

7 (ii) increasing the graduation rates,  
8 school attendance, and academic success of  
9 youth in the eligible community; and

10 (iii) improving the skills of program  
11 participants;

12 (E) contain an assurance that the appli-  
13 cant will use grant amounts received under this  
14 subtitle to provide youth in the eligible commu-  
15 nity with activities and services consistent with  
16 subsection (g);

17 (F) demonstrate the manner in which the  
18 applicant will make use of the resources, exper-  
19 tise, and commitment of private entities in car-  
20 rying out the program for which the grant is  
21 sought;

22 (G) include an estimate of the number of  
23 youth in the eligible community expected to be  
24 served under the program;

1 (H) include a description of charitable pri-  
2 vate resources, and all other resources, that will  
3 be made available to achieve the goals of the  
4 program;

5 (I) contain an assurance that the applicant  
6 will comply with any evaluation under section  
7 522, any research effort authorized under Fed-  
8 eral law, and any investigation by the Attorney  
9 General;

10 (J) contain an assurance that the appli-  
11 cant will prepare and submit to the Attorney  
12 General an annual report regarding any pro-  
13 gram conducted under this subtitle;

14 (K) contain an assurance that the program  
15 for which the grant is sought will, to the maxi-  
16 mum extent practicable, incorporate services  
17 that are provided solely through non-Federal  
18 private or nonprofit sources; and

19 (L) contain an assurance that the appli-  
20 cant will maintain separate accounting records  
21 for the program for which the grant is sought.

22 (3) PRIORITY.—In determining eligibility under  
23 this section, the Attorney General shall give priority

1 to applicants that submit applications that dem-  
 2 onstrate the greatest local support for the programs  
 3 they seek to support.

4 (d) PAYMENTS; FEDERAL SHARE; NON-FEDERAL  
 5 SHARE.—

6 (1) PAYMENTS.—The Attorney General shall,  
 7 subject to the availability of appropriations, provide  
 8 to each eligible recipient the Federal share of the  
 9 costs of developing and carrying out programs de-  
 10 scribed in this section.

11 (2) FEDERAL SHARE.—The Federal share of  
 12 the cost of a program under this subtitle shall be not  
 13 more than—

14 (A) 75 percent of the total cost of the pro-  
 15 gram for each of the first 2 years of the dura-  
 16 tion of a grant;

17 (B) 70 percent of the total cost of the pro-  
 18 gram for the third year of the duration of a  
 19 grant; and

20 (C) 60 percent of the total cost of the pro-  
 21 gram for each year thereafter.

22 (3) NON-FEDERAL SHARE.—

23 (A) IN GENERAL.—The non-Federal share  
 24 of the cost of a program under this subtitle

1 may be in cash or in kind, fairly evaluated, in-  
2 cluding plant, equipment, and services. Federal  
3 funds made available for the activity of any  
4 agency of an Indian tribal government or the  
5 Bureau of Indian Affairs on any Indian lands  
6 may be used to provide the non-Federal share  
7 of the costs of programs or projects funded  
8 under this subtitle.

9 (B) SPECIAL RULE.—Not less than 15 per-  
10 cent of the non-Federal share of the costs of a  
11 program under this subtitle shall be provided  
12 from private or nonprofit sources.

13 (e) PROGRAM AUTHORITY.—

14 (1) IN GENERAL.—

15 (A) ALLOCATIONS FOR STATES AND IN-  
16 DIAN TRIBES.—

17 (i) IN GENERAL.—In any fiscal year  
18 in which the total amount made available  
19 to carry out this subtitle is equal to not  
20 less than \$20,000,000, from the amount  
21 made available to carry out this subtitle,  
22 the Attorney General shall allocate not less  
23 than 0.75 percent for grants under sub-  
24 paragraph (B) to eligible recipients in each  
25 State.



1                   (ii) INDIAN TRIBES.—The Attorney  
2                   General shall allocate 0.75 percent of  
3                   amounts made available under this subtitle  
4                   for grants to Indian tribes.

5                   (B) GRANTS TO COMMUNITY-BASED ORGA-  
6                   NIZATIONS AND PUBLIC SCHOOLS FROM ALLO-  
7                   CATIONS.—For each fiscal year described in  
8                   subparagraph (A), the Attorney General may  
9                   award grants from the appropriate State or In-  
10                  dian tribe allocation determined under subpara-  
11                  graph (A) on a competitive basis to eligible re-  
12                  cipients to pay for the Federal share of assist-  
13                  ing eligible communities to develop and carry  
14                  out programs in accordance with this subtitle.

15                  (C) REALLOCATION.—If, at the end of a  
16                  fiscal year described in subparagraph (A), the  
17                  Attorney General determines that amounts allo-  
18                  cated for a particular State or Indian tribe  
19                  under subparagraph (B) remain unobligated,  
20                  the Attorney General shall use such amounts to  
21                  award grants to eligible recipients in another  
22                  State or Indian tribe to pay for the Federal  
23                  share of assisting eligible communities to de-  
24                  velop and carry out programs in accordance  
25                  with this subtitle. In awarding such grants, the

1 Attorney General shall consider the need to  
 2 maintain geographic diversity among eligible re-  
 3 cipients.

4 (D) AVAILABILITY OF AMOUNTS.—  
 5 Amounts made available under this paragraph  
 6 shall remain available until expended.

7 (2) OTHER FISCAL YEARS.—In any fiscal year  
 8 in which the amount made available to carry out this  
 9 subtitle is equal to or less than \$20,000,000, the At-  
 10 torney General may award grants on a competitive  
 11 basis to eligible recipients to pay for the Federal  
 12 share of assisting eligible communities to develop  
 13 and carry out programs in accordance with this sub-  
 14 title.

15 (3) ADMINISTRATIVE COSTS.—The Attorney  
 16 General may use not more than 3 percent of the  
 17 amounts made available to carry out this subtitle in  
 18 any fiscal year for administrative costs, including  
 19 training and technical assistance.

20 **SEC. 423. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out  
 22 this subtitle from the Violent Crime Reduction Trust  
 23 Fund—

24 (1) for fiscal year 2001, \$125,000,000; and

25 (2) for fiscal year 2002, \$125,000,000.

1       **Subtitle C—Missing Children**

2       **SEC. 431. AMENDMENTS TO THE MISSING CHILDREN’S AS-**  
 3               **SISTANCE ACT.**

4           (a) DUTIES AND FUNCTIONS OF THE ADMINIS-  
 5       TRATOR.—Section 404 of the Missing Children’s Assist-  
 6       ance Act (42 U.S.C. 5773) is amended—

7               (1) by redesignating subsection (c) as sub-  
 8       section (d); and

9               (2) in subsection (b)—

10                   (A) by striking “(b) The Administrator”  
 11                   and all that follows through “shall—” and in-  
 12                   serting the following:

13           “(b) TOLL-FREE HOTLINE AND NATIONAL RE-  
 14       SOURCE CENTER.—The Administrator shall make grants  
 15       to or enter into contracts with the National Center for  
 16       Missing and Exploited Children, for purposes of—”;

17                   (B) in paragraph (1)—

18                       (i) in subparagraph (A), by striking  
 19                       “establish and operate” and inserting  
 20                       “providing”; and

21                       (ii) in subparagraph (B), by adding  
 22                       “and” at the end;

23                   (C) in paragraph (2)—

24                       (i) by striking “establish and operate”  
 25                       and inserting “operating”;

1 (ii) in subparagraph (A), by inserting  
 2 “foreign governments,” after “State and  
 3 local governments”; and

4 (iii) in subparagraph (D)—

5 (I) by inserting “foreign govern-  
 6 ments,” after “State and local govern-  
 7 ments”; and

8 (II) by striking “; and” at the  
 9 end and inserting a period;

10 (D) in paragraph (3), by striking “(3) pe-  
 11 riodically” and inserting the following:

12 “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-  
 13 trator, either by making grants to or entering into con-  
 14 tracts with public agencies or nonprofit private agencies,  
 15 shall—

16 “(1) periodically”; and

17 (E) by redesignating paragraph (4) as  
 18 paragraph (2).

19 (b) GRANTS.—Section 405(a) of the Missing Chil-  
 20 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended by  
 21 inserting “the National Center for Missing and Exploited  
 22 Children and with” before “public agencies”.

1     **TITLE V—IMPROVING YOUTH**  
2     **CRIME AND DRUG PREVENTION**  
3     **Subtitle A—Comprehensive Study**  
4     **of Federal Prevention Efforts**

5     **SEC. 501. STUDY BY NATIONAL ACADEMY OF SCIENCE.**

6         (a) IN GENERAL.—The Attorney General shall enter  
7     into a contract with a public or nonprofit private entity,  
8     subject to subsection (b), for the purpose of conducting  
9     a study or studies—

10           (1) to evaluate the effectiveness of federally  
11     funded programs for preventing youth violence and  
12     youth substance abuse;

13           (2) to evaluate the effectiveness of federally  
14     funded grant programs for preventing criminal vic-  
15     timization of juveniles;

16           (3) to identify specific Federal programs and  
17     programs that receive Federal funds that contribute  
18     to reductions in youth violence, youth substance  
19     abuse, and risk factors among youth that lead to  
20     violent behavior and substance abuse;

21           (4) to identify specific programs that have not  
22     achieved their intended results; and

23           (5) to make specific recommendations on pro-  
24     grams that—

1 (A) should receive continued or increased  
2 funding because of their proven success; or

3 (B) should have their funding terminated  
4 or reduced because of their lack of effectiveness.

5 (b) NATIONAL ACADEMY OF SCIENCES.—The Attor-  
6 ney General shall request the National Academy of  
7 Sciences to enter into the contract under subsection (a)  
8 to conduct the study or studies described in subsection (a).  
9 If the Academy declines to conduct the study, the Attorney  
10 General shall carry out such subsection through other  
11 public or nonprofit private entities.

12 (c) ASSISTANCE.—In conducting the study under  
13 subsection (a) the contracting party may obtain analytic  
14 assistance, data, and other relevant materials from the  
15 Department of Justice and any other appropriate Federal  
16 agency.

17 (d) REPORTING REQUIREMENTS.—

18 (1) IN GENERAL.—Not later than January 1,  
19 2000, the Attorney General shall submit a report de-  
20 scribing the findings made as a result of the study  
21 required by subsection (a) to the Committee on the  
22 Judiciary and the Committee on Economic and Edu-  
23 cational Opportunity of the House of Representa-  
24 tives and the Committee on the Judiciary and the

1 Committee on Labor and Human Resources of the  
2 Senate.

3 (2) CONTENTS.—The report required by this  
4 subsection shall contain specific recommendations  
5 concerning funding levels for the programs evalu-  
6 ated. Reports on the effectiveness of such programs  
7 and recommendations on funding shall be provided  
8 to the appropriate subcommittees of the Committee  
9 on Appropriations of the House of Representatives  
10 and the Committee on Appropriations of the Senate.

11 (e) FUNDING.—There are authorized to be appro-  
12 priated to carry out the study under subsection (a)  
13 \$1,000,000,000.

## 14 **Subtitle B—Evaluation Mandate** 15 **for Authorized Programs**

### 16 **SEC. 522. EVALUATION OF CRIME PREVENTION PROGRAMS.**

17 The Attorney General, with respect to the programs  
18 in titles II, III, and IV of this Act shall provide, directly  
19 or through grants and contracts, for the comprehensive  
20 and thorough evaluation of the effectiveness of each pro-  
21 gram established by this Act and the amendments made  
22 by this Act.

### 23 **SEC. 523. EVALUATION AND RESEARCH CRITERIA.**

24 (a) INDEPENDENT EVALUATIONS AND RESEARCH.—  
25 Evaluations and research studies conducted pursuant to

1 this subtitle shall be independent in nature, and shall em-  
 2 ploy rigorous and scientifically recognized standards and  
 3 methodologies.

4 (b) CONTENT OF EVALUATIONS.—Evaluations con-  
 5 ducted pursuant to this title may include comparison be-  
 6 tween youth participating in the programs and the com-  
 7 munity at large of rates of—

8 (1) delinquency, youth crime, youth gang activ-  
 9 ity, youth substance abuse, and other high risk fac-  
 10 tors;

11 (2) risk factors in young people that contribute  
 12 to juvenile violence, including academic failure, ex-  
 13 cessive school absenteeism, and dropping out of  
 14 school;

15 (3) risk factors in the community, schools, and  
 16 family environments that contribute to youth vio-  
 17 lence; and

18 (4) criminal victimizations of youth.

19 **SEC. 524. COMPLIANCE WITH EVALUATION MANDATE.**

20 The Attorney General may require the recipients of  
 21 Federal assistance for programs under this Act to collect,  
 22 maintain, and report information considered to be relevant  
 23 to any evaluation conducted pursuant to section 502, and  
 24 to conduct and participate in specified evaluation and as-  
 25 sessment activities and functions.



1 **SEC. 525. RESERVATION OF AMOUNTS FOR EVALUATION**  
 2 **AND RESEARCH.**

3 (a) IN GENERAL.—The Attorney General, with re-  
 4 spect to titles II, III, and IV shall reserve not less than  
 5 2 percent, and not more than 4 percent, of the amounts  
 6 made available pursuant to such titles and the amend-  
 7 ments made by such titles in each fiscal year to carry out  
 8 the evaluation and research required by this title.

9 (b) ASSISTANCE TO GRANTEES AND EVALUATED  
 10 PROGRAMS.—To facilitate the conduct and defray the  
 11 costs of crime prevention program evaluation and re-  
 12 search, the Attorney General shall use amounts reserved  
 13 under this section to provide compliance assistance to  
 14 grantees under this Act who are selected to participate in  
 15 evaluations pursuant to section 522.

16 **Subtitle C—Elimination of**  
 17 **Ineffective Programs**

18 **SEC. 531. SENSE OF SENATE REGARDING FUNDING**  
 19 **FOR PROGRAMS DETERMINED TO BE INEF-**  
 20 **FECTIVE.**

21 It is the sense of the Senate that programs identified  
 22 in the study performed pursuant to section 501 as being  
 23 ineffective in addressing juvenile crime and substance  
 24 abuse should not receive Federal funding in any fiscal year  
 25 following the issuance of such study.

1 **TITLE VI—EXTENSION OF VIO-**  
 2 **LENT CRIME REDUCTION**  
 3 **TRUST FUND**

4 **SEC. 601. EXTENSION OF VIOLENT CRIME REDUCTION**  
 5 **TRUST FUND.**

6 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-  
 7 MENT ACT OF 1994.—Section 310001(b) of the Violent  
 8 Crime Control and Law Enforcement Act of 1994 (42  
 9 U.S.C. 14211(b)) is amended—

10 (1) in paragraph (5), by striking “and” at the  
 11 end;

12 (2) in paragraph (6), by striking the period at  
 13 the end and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(7) for fiscal year 2001, \$6,500,000,000; and

16 “(8) for fiscal year 2002, \$6,500,000,000.”.

17 (b) BALANCED BUDGET AND EMERGENCY DEFICIT  
 18 CONTROL ACT OF 1985.—Section 251A(b) of the Bal-  
 19 anced Budget and Emergency Deficit Control Act of 1985  
 20 (2 U.S.C. 901a(b)) is amended—

21 (1) by striking all after “\$4,904,000,000.”; and

22 (2) by adding at the end the following:

23 “(E) For fiscal year 1999,

24 \$5,639,000,000.

1                   “(F)     For     fiscal     year     2000,  
2                   \$6,225,000,000.

3                   “(G)     For     fiscal     year     2001,  
4                   \$6,225,000,000.

5                   “(H)     For     fiscal     year     2002,  
6                   \$6,225,000,000.”.

7           (c) REDUCTION IN DISCRETIONARY SPENDING LIM-  
8 ITS.—Beginning on the date of enactment of this Act, the  
9 discretionary spending limits set forth in section 601(a)(1)  
10 of the Congressional Budget Act of 1974 (2 U.S.C.  
11 665(a)(2) (as adjusted in conformance with section 251  
12 of the Balanced Budget and Emergency Deficit Control  
13 Act of 1985, and in the Senate, with section 301 of House  
14 Concurrent Resolution 178 (104th Congress)) for fiscal  
15 years 2001 through 2002 are reduced as follows:

16           (1) For fiscal year 2001, for the discretionary  
17 category: \$6,500,000,000 in new budget authority  
18 and \$6,225,000,000 in outlays.

19           (2) For fiscal year 2002, for the discretionary  
20 category: \$6,500,000,000 in new budget authority  
21 and \$6,225,000,000 in outlays.

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